EXPLANATORY MEMORANDUM TO

THE CENTRAL LEEDS LEARNING FEDERATION (CHANGE TO SCHOOL SESSION TIMES) (REVOCATION) ORDER 2006

2006 No. 2142

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

2. Description

This Order is made under section 3(1)(b) of the Education Act 2002. Article 2 revokes the Central Leeds Learning Federation (Change to School Session Times) Order 2006, which had the effect of exempting the Central Leeds Learning Federation from the provisions of the Changing of School Session Times (England) Regulations 1999.

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

None

4. Legislative Background

4.1 The Order is made under section 3 of Chapter 1 (sections 1 to 5) of the Education Act 2002. The purpose of Chapter 1 of that Act is to facilitate the implementation of innovative projects that may (in the opinion of the Secretary of State) contribute to the raising of educational standards. Specifically, section 2 gives the Secretary of State the power, upon the application of one or more qualifying bodies, to suspend (and make consequential modifications to) particular provisions of education legislation in order to further such innovative projects. Section 3 gives the Secretary of State a further power, by order, which may be made without any application from a qualifying body, to revoke any orders made under section 2. Section 4 sets out the procedure to be followed by the applicant seeking an order, including a duty to consult.

4.2 The Order revokes The Central Leeds Learning Federation (Change to School Session Times) Order 2006 (SI 2006/2005). The Order being revoked was made under section 2 of the Education Act 2002 and was to come into force on 1 September 2006. It was to exempt the governing body of Central

Leeds Learning Federation from the requirements imposed by the Changing of School Session Times (England) Regulations 1999 (SI 1999/2733).

5. Extent

This instrument applies to the governing body of the Central Leeds Learning Federation and relates to the two schools within the federation: the City of Leeds High School of Bedford Field, Woodhouse Cliff, Leeds, West Yorkshire LS6 2LG and the Primrose High School of Hill Street, Leeds, West Yorkshire LS9 7NL.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Power to Innovate ("the Power") provides the Governing Body of schools, LEAs, the proprietors of certain special schools and Education Action Forums with an opportunity to apply to the Secretary of State to lift regulatory requirements in education legislation for a time-limited period (by means of a Power to Innovate Order), so they can trial a specific innovative project that has the potential to raise educational standards. The Power is the result of concerns that innovative ideas can be unintentionally thwarted by detailed regulations and legislation. It is intended to facilitate the implementation of these ideas and to ensure that no opportunity is lost to trial innovative proposals that could raise standards. It is intended that the lessons learned will be used for further deregulation for the system as a whole.

7.2 The power to innovate legislation also confers powers on the Secretary of State to make a further order to revoke any order without any application from a qualifying body.

7.3 On 20 July an order was made, under section 2 of the Education Act 2002, to exempt the Central Leeds Learning Federation from the requirements of the Changing of School Session Times (England) Regulations 1999 (a copy of the Order and Explanatory Memorandum are attached to this memorandum). On July 21, after the application and order were submitted to Ministers, the regional office of the National Union of Teachers contacted the Department for Education & Skills to express concerns about consultation with school staff, and on 25 July the department received correspondence challenging the consultation process.

7.4 Power to Innovate legislation sets out detailed procedures to be followed by the governing bodies of maintained schools prior to the making of an application to the Secretary of State for approval of an order. These statutory procedures include a duty to consult with interested parties. Because of the schools' summer holiday, it will be difficult to contact the staff of the

federation for more detailed information. Consequently, both the department and the National Union of Teachers do not anticipate being in a position to resolve any problems before the start of the autumn term. As a consequence of this challenge to the basis upon which the previous order was made, the decision has been taken that the order should be revoked.

7.5 The order that has been made will come into force on 1 September. The purpose of this order, which will also come into force 1 September, is to revoke and thus negate the effect of the first order.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Penny Baker at the Department for Education & Skills Tel: 020 7925 6099 or e-mail: penny.baker@dfes.gsi.gov.uk can answer any queries regarding the instrument.

S T A T U T O R Y I N S T R U M E N T S

2006 No. 2005

EDUCATION, ENGLAND

The Central Leeds Learning Federation (Change to School Session Times) Order 2006

Made - - - -	*20th July 2006*
Laid before Parliament	*28th July 2006*
Coming into force -	*- 1st September 2006*

The governing body of the Central Leeds Learning Federation, which comprises the City of Leeds School and the Primrose High School, ("the governing body") have, in accordance with section 4(2) of the Education Act 2002(**1**) ("the Act"), consulted the local education authority and such persons as appear to them to be appropriate, including the parents of registered pupils at the school and the staff working at the school;

It is the opinion of the Secretary of State, having regard to the matters set out in section 1(2) of the Act, that the implementation by the governing body of the provisions of this Order may contribute to the raising of educational standards achieved by children in England;

In exercise of the powers conferred upon the Secretary of State by section 2(1) of the Act, the Secretary of State for Education and Skills, on the application of the governing body, makes the following Order:

Citation and commencement

1. This Order may be cited as the Central Leeds Learning Federation (Change to School Session Times) Order 2006 and shall come into force on 1st September 2006.

(**1**) 2002 c.32.

Exemption from the School Session Regulations

- The Changing of School Session Times (England) Regulations 1999(**2**) shall not apply to the governing body in relation to the City of Leeds School(**3**) of Bedford Field, Woodhouse Cliff, Leeds, West Yorkshire LS6 2LG and the Primrose High School(**4**) of Hill Street, Leeds, West Yorkshire LS9 7NL.

Time period

- This Order shall have effect until 31st December 2006.

Jim Knight
Minister of State
20th July 2006 Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 2 of the Education Act 2002. Article 2 provides that the Changing of School Session Times (England) Regulations 1999 do not apply to the governing body of the Central Leeds Learning Federation, which comprises the City of Leeds School and the Primrose High School. Article 3 specifies that the Order shall have effect until 31st December 2006.

(**2**) SI 1999/2733.
(**3**) DfES number 383/4031.
(**4**) DfES number 383/4044.

EXPLANATORY MEMORANDUM TO

THE CENTRAL LEEDS LEARNING FEDERATION (CHANGE TO SCHOOL SESSION TIMES) ORDER 2006

2006 No. 2005

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

2. Description

2.1 This Order is made under section 2 of the Education Act 2002. Article 2 provides that the Changing of School Session Times (England) Regulations 1999 do not apply to the governing body of the Central Leeds Learning Federation, which comprises the City of Leeds School and the Primrose High School. Article 3 specifies that the Order shall have effect until 31 December 2006.

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

3.1 None

4. Legislative Background

4.1 The Order is made under section 2 of Chapter 1 (sections 1 to 5) of the Education Act 2002. The purpose of Chapter 1 of that Act is to facilitate the implementation of innovative projects that may (in the opinion of the Secretary of State) contribute to the raising of educational standards. Specifically, section 2 gives the Secretary of State the power, upon the application of one or more qualifying bodies, to suspend (and make consequential modifications to) particular provisions of education legislation in order to further such innovative projects. Orders made under s. 2 have effect for the period specified in the order, which cannot exceed 3 years.

4.2 The Order suspends the Changing of School Session Times (England) Regulations 1999 (SI 1999/2733). The start and finish times for school sessions are decided by the governing body of each school. However, these regulations set out detailed procedures to be followed by the governing bodies of community and voluntary controlled schools in making any change to session times, including consultation with interested parties. In particular, the regulations require that parents be given at least 3 months' notice of any change to the start or finish time of the school day.

5. Extent

5.1 This instrument applies to the governing body of the Central Leeds Learning Federation and relates to the two schools within the federation: the City of Leeds High School of Bedford Field, Woodhouse Cliff, Leeds, West Yorkshire LS6 2LG and the Primrose High School of Hill Street, Leeds, West Yorkshire LS9 7NL.

6. European Convention on Human Rights

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

7. Policy background

7.6 The Power to Innovate ("the Power") provides the Governing Body of schools, LEAs, the proprietors of certain special schools and Education Action Forums with an opportunity to apply to the Secretary of State to lift regulatory requirements in education legislation for a time-limited period (by means of a Power to Innovate Order), so they can trial a specific innovative project that has the potential to raise educational standards. The Power is the result of concerns that innovative ideas can be unintentionally thwarted by detailed regulations and legislation. It is intended to facilitate the implementation of these ideas and to ensure that no opportunity is lost to trial innovative proposals that could raise standards. It is intended that the lessons learned will be used for further deregulation for the system as a whole.

7.7 The Order will allow the two schools, which were recently federated, to synchronise their school days from September 2006. The current differential

timetabling is acting as a barrier to realising the benefits of federation. This proposal will also result in a consistent school day with the new primary school, due to open in September 2006, and sharing the same site as the Primrose High School. The new timetable will increase formal lesson time at Primrose High School by 15 minutes per day. This will help fulfil a recommendation made by OFSTED to increase teaching time at the school. The proposal to standardise the school day will also enable the schools to effectively develop a shared key stage 4 and post-16 curriculum, as well as allowing external agencies to be deployed more creatively to support the most vulnerable students. The standardisation of the timetable will be combined with a move from classroom to computer-based registration in both schools, which it is hoped will further boost attendance.

7.8 Before making an application under the power to innovate provisions of the Education Act 2002, applicants must consult such persons as appear to them to be appropriate. Initially two models for the school day were proposed. All staff were consulted during the development phase of the models and in the selection of the preferred model. Governors held parent consultation events and invited written responses where parents could not attend either of the consultation events. Students have been consulted. Local community small businesses have also been informed of the proposed changes. The Local Authority has also been consulted. The response to all consultation was overwhelmingly positive and although some parents were cautious about the slightly earlier start at one school, no opposition was expressed by any individual or group.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Penny Baker at the Department for Education & Skills Tel: 020 7925 6099 or e-mail: penny.baker@dfes.gsi.gov.uk can answer any queries regarding the instrument.