EXPLANATORY MEMORANDUM TO

THE COLLABORATION ARRANGEMENTS (MAINTAINED SCHOOLS AND FURTHER EDUCATION BODIES) (ENGLAND) REGULATIONS 2007

2007 No. 1321

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 These regulations provide a framework for the governing bodies of further education (FE) bodies to collaborate formally with the governing bodies of maintained schools and/or other FE bodies. The regulations provide for the establishment of "joint committees", and the determination of their functions. The joint committees will have the authority to take decisions on behalf of each participating school/FE college governing body, in respect of those matters which are delegated to it.

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

3.1 None.

4. Legislative Background

4.1 Section 166 of the Education and Inspections Act 2006 provides that regulations may enable FE colleges to collaborate formally with maintained schools and/or other FE colleges. This sits alongside the provisions of section 26 of the Education Act 2002 which provides for collaboration between two or more maintained schools.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

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

7. Policy background

7.1 The introduction of the new power, provided at Section 166 of the Education and Inspections Act 2006, to enable FE colleges to collaborate formally with maintained schools and/or other FE colleges takes forward the commitment in the 14-19 White Paper `14-19 Education and Skills' to legislate to increase the scope for joint governance arrangements between schools and FE colleges to strengthen collaborative activity. This proposal was widely supported by respondents to the White Paper consultation.

7.2 Although schools and FE colleges are collaborating effectively in some areas, many are uncomfortable with the current arrangements which are on an informal basis and in practice, often mean that one collaborating body takes the lead role. Under these new provisions, schools and FE colleges will be able to develop formal joint working arrangements and make joint decisions about managing aspects of their delivery of learning provision to improve the opportunities available to learners.

7.3 We have consulted both the schools and the FE sector on the draft regulations. Respondents generally agreed that the regulations would enable satisfactory formal collaboration between schools and FE colleges. However, they asked for clear and simple guidance to be prepared. This will shortly be prepared by the Association of Colleges, in consultation with the Department.

8. Impact

8.1 A Regulatory Impact Assessment was prepared for section 166 of the Education and Inspections Act 2006, under which these regulations are made. The relevant pages for these regulations are 386 – 389. A copy is obtainable from the website of the Department for Education and Skills at: http://www.dfes.gov.uk/publications/educationandinspectionsact/docs/FinalRIAforAct.pdf

9. Contact

9.1 Martin Wilson at the Department for Education and Skills Tel: 0114 259 3121 or e-mail:martin.wilson@dfes.gsi.gov.uk can answer any queries regarding the instrument.