EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL ORGANISATION PROPOSALS) (AMENDMENT) (No. 2) (ENGLAND) REGULATIONS 2005

2005 No. 3342

1. 1.1 This explanatory memorandum has been prepared by The Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Select Committee on Statutory Instruments.

2. Description

2.1 These regulations amend the Education (School Organisation Proposals) (England) Regulations 1999 (SI 1999/2213) (as amended) ("the principal regulations") by reducing certain statutory periods applying to the process of deciding proposals to add a sixth form made by local education authorities or governing bodies in respect of secondary schools. The regulations also allow up to two representatives of the governing body of a secondary school the subject of such proposals to make representations at the meeting of the School Organisation Committee deciding the proposals.

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

3.1 None.

4. Legislative Background

4.1 The regulations are intended to give effect to a commitment in the Department for Education and Skills' five-year strategy to make it easier for successful schools to add a sixth form.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 No statement is required.

7. Policy background

7.1 The policy background is set out in the Department for Education and Skills Five Year Strategy for Children and Learners, published in July 2004. This said that the Government was committed to a diverse education system which provided young people with a choice of high quality learning opportunities, including in school sixth forms. In order to support that aim, the Government would make it easier for

successful schools to add a sixth form by introducing a fast-track process to speed up proposals. This is a fairly technical change of narrow implication, and has aroused little general interest.

7.2 The Department consulted the Learning and Skills Council, local authorities and other stakeholders on these streamlined proposals in autumn 2004 as part of a wider consultation on proposals in the five-year strategy. Respondents from the Further Education sector expressed concern about a potential negative impact of new sixth forms on existing college provision. The Department remains of the view that the Learning and Skills Council and local authorities, which are responsible at a strategic level for planning school places in their areas, should organise provision in order to ensure that places are located where parents and learners want them.

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.

8.2 The impact of the instrument on the public sector falls on schools and local authorities, with some additional responsibilities for the Schools Adjudicator in certain circumstances. Local authorities in respect of community schools and governors of all categories of school, currently have the power to publish proposals to add a sixth form. The effect of this instrument is to streamline the arrangements, so that schools are more able to meet demand from parents and pupils. School Organisation Committees will be required to inform the governing bodies of schools when their proposals are to be considered, to cater for any representation the governing body wishes to make.

9. Contact

Martyn Loft at the Department for Education and Skills Tel: 020 7925 5241or e-mail: martyn.loft@dfes.gsi.gov.uk can answer any queries regarding the instrument.