EXPLANATORY MEMORANDUM TO

THE HADLEY LEARNING COMMUNITY (SCHOOL GOVERNANCE) ORDER 2006

2006 No.2212

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 requirements of the School Governance (Federations) (England) Regulations 2004 shall be relaxed in relation to the governing body of the Hadley Learning Community, which comprises the Hadley Learning Community Primary School and the Hadley Learning Community Secondary School. The relaxation of the regulation allows for the appointment of a maximum of 24 governors, as well as allowing the deputy head teachers of the federation to be appointed as ex-officio governors. Article 3 specifies that the Order shall have effect until 7th September 2009.

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, or to relax the requirements of such legislation, in order to further such innovative projects. Orders made under section 2 have effect for the period specified in the order, which cannot exceed 3 years.

4.2 The Order relaxes certain requirements of the School Governance (Federations) (England) Regulations 2004 (SI 2004/2042). These regulations set out details relating to the governance of federated schools, including placing limitations on the size and composition of the federated governing body.

5. Extent

5.1 This instrument applies to the Borough of Telford and Wrekin, acting as a Local Education Authority, in relation to the establishment of a new governing body for the Hadley Learning Community, a federation of the Hadley Learning Community Primary School and the Hadley Learning Community Secondary School, both of Waterloo Road, Hadley, Telford, Shropshire TF1 5NU.

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 Order will allow the federated schools to establish a single governing body with 24 governors; four more than the regulations allow. It will also provide for the deputy head teachers of the two federated schools, as well as the head teacher of the federation, to be ex officio members of the governing body. This single governing body will govern the federated schools, which will in combination provide continuous age 5-16 education. The new governing body will support the overall leadership of the Learning Community, enabling greater continuity in the management of care and conduct, access and inclusion, curriculum and assessment. This will raise standards for all pupils.

7.3 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. The Governing Bodies of the existing Infant School, Junior School and Secondary School, which are all due for closure, and the members of the temporary governing body, established to oversee the setting up of the new school, have all been consulted about the new arrangements. Staff and parents of pupils at the existing schools, due to be replaced by the new federated schools, were consulted on the proposals to have a single governing body. Secondary phase pupils were also involved in the consultation process. The response to consultation was overwhelmingly positive and no opposition has been expressed.

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

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