EXPLANATORY MEMORANDUM TO

THE LOWESTOFT SIXTH FORM COLLEGE (INCORPORATION) ORDER 2010

2010 No. 504

AND

THE LOWESTOFT SIXTH FORM COLLEGE (GOVERNMENT) REGULATIONS 2010

2010 No. 505

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

2. Purpose of the instrument

The Order establishes a new further education corporation to be known as The Lowestoft Sixth Form College and comes into force on 23rd March 2010. The Regulations provide for the governance of the new corporation and come into force on the same day.

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

None.

4. Legislative Context

4.1 Sections 16(1) and 17 of the Further and Higher Education Act 1992 gives the Secretary of State the power to incorporate a further education corporation to establish and conduct a further education college.

4.2 Sections 20(2), 21(1) and (2) of, and Schedule 4 to, the Further and Higher Education Act 1992 gives the Secretary of State the power to prescribe the Instrument and Articles of Government for a further education college corporation.

4.3 In accordance with section 51 of the Further and Higher Education Act 1992 and Statutory Instrument 2001 No 782 (The Education (Publication of Draft Proposals and Orders)(Further Education Corporations)(England) Regulations 2001) , a summary of the draft order has been published in a local newspaper and posted in a conspicuous place. A copy of the draft order has also been sent to local colleges and key local stakeholders.

5. Territorial Extent and Application

5.1 These instruments apply to England.

5.2 These instruments apply only to the named further education corporation.

6. European Convention on Human Rights

6.1 As both instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 The proposal to set up the new sixth form college in Lowestoft has been developed by Suffolk County Council. It is part of broader changes to the delivery of education in the Suffolk area. Around half the pupils in the area were within a primary/secondary model and the other half were in a three-tier system with change at age 9 and 13. In future the model will be:

- 4-11 primary schools,
- 11-16 secondary schools (including the establishment of a new secondary school in south Lowestoft)
- 16-19 provision to replace existing school sixth forms

7.2 The intention to set up a new sixth form followed a review of post 16 provision in the area. The review concluded that new 16-19 provision should be developed for Lowestoft to replace the existing School Sixth Form consortium.

7.3 The new sixth form college will improve the quality of provision in the area. The local economy will increasingly focus on industries such as energy, which require a more highly skilled workforce.

8. Consultation outcome

8.1 Local stakeholder groups have been widely consulted on the changes to the education system including the establishment of the new college. There is widespread support for the changes. A public consultation to consider the educational model in Lowestoft received 4,744 responses (Jan 06). 45% of respondents agreed that Suffolk should change structure. A further consultation to look at arrangements for 16-19 learners took place in 2008; 1,167 questionnaires were completed of which 73% of responses agreed or strongly agreed that most or all provision for students aged 16 to 19 should be provided at a separate centre, rather than within school sixth forms.

9. Guidance

9.1 As these instruments affect only the named college, no guidance is necessary and any persons affected by the change will be informed by the college.

10. Impact

10.1 The impact on business, charities or voluntary bodies is none.

10.2 The impact on the public sector is none.

10.3 An Impact Assessment has not been prepared for these instruments.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As these instruments concern the incorporation of the named college, no monitoring or review is necessary.

13. Contact

Kath Jakubiak at the Department for Business, Innovation, and Skills Tel: 0114 259 1165 or e-mail: kath.jakubiak@bis.gsi.gov.uk can answer any queries regarding the instrument.