**EXPLANATORY MEMORANDUM TO**

**THE MONKSEATON COMMUNITY HIGH SCHOOL (GOVERNING BODY PROCEDURES) 2006**

**2006 No. 1078**

**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 Regulation 12(2) of the School Governance (Procedures) (England) Regulations 2003[1] applies to the governing body of Monkseaton Community High School as though the words "present and" were omitted. Article 3 specifies that the Order shall have effect until 11 May 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 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 relaxes and modifies Regulation 12(2) of the School Governance (Procedures) (England) Regulations 2003 in its application to the governing body of Monkseaton Community High School. This Regulation provides that every question to be decided at a meeting of the governing body must be determined by a majority of the votes of the governors present and voting on the question. This Order enables the governing body of Monkseaton Community High School to hold meetings otherwise than in accordance with regulation 12(2) so that governors need not always be physically present at meetings.

## 5. Extent

5.1 This instrument applies to the governing body of Monkseaton Community High School, Seatonville Road, Whitley Bay, Tyne and Wear, NE25 9EQ.

## 6. European Convention on Human Rights

1. SI 2003/1558; regulation 12 was amended by SI 2004/450.

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, local education authorities, 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 current partnership between Monkseaton Community High School, Microsoft and The Open University has enabled pupils to take Open University modules at school, the creation of an online 'learning gateway' for both staff and pupils and the development of a new 'IT foundation degree'. Furthermore, their future development plan comprises aspirations towards trust school status (as envisaged by the Department for Education and Skills White Paper: *Higher Standards, Better Schools for All – More Choice for Parents and Pupils* and the Education and Inspections Bill currently before Parliament) and it is envisaged that this will lead to an increase in corporate interest. These current partners are becoming increasingly involved in the governance of the school. However, staff from these existing partners find it difficult and costly to work closely together under the school's current governance arrangements, in-part incongruent with conventional business communication practices.

7.3 The Order will allow Monkseaton Community High School to hold governors meetings by electronic means, enabling governors to attend meetings or vote by using information and communication technologies.

7.4 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 applicant states that these proposals have been discussed over a two month timescale with the current Governing Body, the Local Authority and staff body via face to face meetings, and with parents of all pupils via a formal letter giving them the opportunity to respond. The school states it has also been in discussions with potential Trust partners (i.e. external organisations who are interested in creating formal links with the school under the provisions of the Education and Inspections Bill, when enacted). No group, organisation or individual has raised opposition or objections to the proposals.

## 8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no negative 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.