EXPLANATORY MEMORANDUM TO

THE NEWFIELD SCHOOL (CHANGE TO SCHOOL SESSION TIMES) ORDER 2006

2006 No. 3147

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

2. Description

This Order is made under section 2 of the Education Act 2002. Article 2 provides that regulation 3(a) of the Changing of School Session Times (England) Regulations 1999 does not apply to the governing body of the Newfield School. Article 3 specifies that the Order shall have effect until 31 January 2007.

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

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 as amended by Section 161 of and Schedule 16 of the Education and Inspections Act 2006. The purpose of Chapter 1 of the 2002 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 suspends the Changing of School Session Times (England) Regulations 1999 (SI 1999/2733). The start and finish times for school sessions are decided by the governing body of each school. However, these regulations say that no change in the times of the beginning or end of a school day shall be made so as to take effect otherwise than at the beginning of a school year and also require that the local education authority and parents be given at least three months notification of a change.

5. Extent

This instrument applies to the Governing Body of Newfield School, Lees Hall Road, Sheffield, S8 9JP

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 This order will allow the school to change the timings of the school day otherwise than at the beginning of the school year and to reduce the notification period. The school is anticipating the significant disruption that will result from BSF work, due to start in December, and to ensure that the drive to raise standards can be maintained without further adverse effect on staff workloads. Daily 'taught time' will be unaffected.

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 body has given assurances that all stakeholders have been consulted, including governors, staff, parents, carers, students and the local authority. While a majority of parents were in favour of an earlier start, a significant minority had concerns around arrangements for childcare. Staff were evenly divided, with teaching staff widely in favour, while support staff had concerns around coverage of the working day and childcare arrangements. The school has responded by adjusting its plans to provide a later start and to ensure suitable after school provision.

7.4 There are ten previous Power to Innovate Orders that relate to the Changing of School Session Times (England) Regulations 1999. These are:

- The Cadishead Primary School (Change to School Session Times) Order 2006 No. 2370
- The Langley Junior School (Change to School Session Times) Order 2002 No.3063
- The Grinling Gibbons Primary School (Change to School Session Times) Order 2003 No.716
- The Norton College (Change to School Session Times) Order 2003 No.1671
- The Hadleigh Junior School (Change to School Session Times) Order 2004 No.108
- The Davies Lane Infant School (Change to School Session Times) Order 2004 No.1712
- The Albion Junior School (Change to School Session Times) Order 2004 No.2685
- The Wanstead High School (Change to School Session Times) Order 2005 No.2058
- The Nobel School (Change to School Session Times) Order 2006 No.1072
- The Central Leeds Learning Federation (Change to School Session Times) Order 2006 No.2005
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8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Penny Baker at the Department for Education and Skills Tel: 020 7925 5354 or e-mail: penny.baker@dfes.gsi.gov.uk can answer any queries regarding the instrument.