# EXPLANATORY MEMORANDUM TO

# THE NOBEL SCHOOL (CHANGE TO SCHOOL SESSION TIMES) ORDER 2006

## 2006 No. 1072

**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 Changing of School Sessions Times (England) Regulations 1999 do not apply to the governing body of The Nobel School. Article 3 specifies that the Order shall have effect until 31 December 2006.

**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 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 set out detailed procedures to be followed by the governing bodies of community and voluntary controlled schools in making any change to session times, including consultation with interested parties. In particular, the regulations require that parents be given at least 3 months' notice of any change to the start or finish time of the school day and that any such change can only be made with effect from the beginning of the school year.

**5. Extent**

5.1 This instrument applies to the governing body of The Nobel School, Mobbsbury Way, Stevenage, Hertfordshire, SG2 0HS.

**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 early introduction (from the middle of the summer term 2005/2006) of mentoring sessions open to all pupils each Friday afternoon, starting 15 minutes earlier at 3.15pm, to support the development of more personalised learning and support. The school is expecting a new Head the beginning of the school year 2006-07, and wants to set up these mentoring programmes prior to this. Without the Order, the change would not be able to be introduced until the beginning of the school year 2006/2007. The weekly taught time for each student will remain unchanged as lunchtime on Friday will also be reduced by 15 minutes.

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. Consultation has taken place with the governors and staff body, through whole-staff discussions and also more detailed meetings of a working group of staff and governors set up to look at the outcomes from the schools' Inset days. Students have had an opportunity to comment on the proposals through School Council Meetings and parents have also had the opportunity to raise any queries in relation to an article in the Nobel School newsletter, sent to every pupil's household. The Local Authority has also been consulted. The response was overwhelmingly positive and no opposition was expressed by any individual or group.

## 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

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.