EXPLANATORY MEMORANDUM TO

THE PRIOR PURSGLOVE AND STOCKTON SIXTH FORM COLLEGE (INCORPORATION) ORDER 2016

2016 No. 302

1. Introduction

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

2. Purpose of the instrument

2.1 This instrument establishes a body corporate, to be known as 'Prior Pursglove and Stockton Sixth Form College'. This will allow the corporation to establish and operate a new sixth form college from 1 April 2016..

3. Matters of special interest to Parliament

Matters of special interest to the [Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 This instrument is being made under section 33C of the Further and Higher Education Act 1992 at the request of two sixth form college corporations, Prior Pursglove Sixth Form College and Stockton Sixth Form College to enable their merger through the creation of a new body corporate which will accept their property, rights and liabilities upon their dissolution.

5. Extent and Territorial Application

5.1 The extent of this instrument is to England and Wales.

5.2 This instrument applies only to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 A combination of a series of funding cuts and a fall in the number of students has caused Prior Pursglove Sixth Form College and Stockton Sixth Form College to seek structural change to secure the future of the provision of education in their areas The

colleges have decided to dissolve and have proposed the formation of a single corporation to make that provision. The ability for this to be done arises from section 33C of the Further and Higher Education Act and satisfaction of the requirements set out.

Consolidation

7.2 None.

8. Consultation outcome

8.1 Consultation has been carried out by the two sixth form college corporations, in line with the requirements set out in section 33C of the Further and Higher Education Act 1992 and The Sixth Form College Corporations (Publication of Proposals) (England) Regulations 2012 (SI 2012/1158). This means that all those deemed to have an interest in the proposal have had the opportunity to comment.

8.2 The consutation took place between 17th September and 23rd November 2015. The consultation process consisted of consultation documents for key stakeholders and through the colleges' websites, statutory notices, public and staff meetings and student forums. The consultion asked whether respondents supported the proposal to merge the two colleges and whether they supported the proposal that the name of the new merged college should be Prior Pursglove and Stockton Sixth Form College.

8.3 Over 300 responses were received. Based on information provided 12.5% of staff, 3% of students and 2% of parents responded to the consultation. Issues raised included:

8.3.1 The option of no change: both corporations are clear that as individual corporations, they would not have a viable future;

8.3.2 The option of an 'in borough' solution: some respondents raised concerns that the proposal crosses borough boundaries. The corporations consider that geography is not a barrier to enhancing quality of provision, alongside creating more sustainable learning opportunities for students;

8.3.3 The impact of the area review: the corporations sought advice from both the Further Education Commissioner and the Sixth Form College Commissioner before progressing with this merger proposal

8.3.4 The potential impact on the reputation of each college: the corporations consider that the merger would not compromise the reputation of either sixth form college with its local community

8.3.5 Lack of clarity on the proposed savings: savings will come from the removal of cost duplications, unification of systems. Other benefits will include increased opportunities for collaboration between staff and the use of blended learning to preserve niche provision.

8.4 A report on the outcomes of the consultation is available at: http://pursglove.ac.uk/about-us/consultation/

9. Guidance

9.1 Guidance covering this Order will not be required as this Order is required to enable incorporation of a new sixth form college under the Further and Higher Education Act 1992.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 The new sixth form college will be reviewed, by the Education Funding Agency, in line with the requirements in the EFA's Funding Agreement.

13. Contact

13.1 Nick Rashley at the Education Funding Agency [Telephone: 0115 9829235 or email: Nick.RASHLEY@education.gsi.gov.uk] can answer any queries regarding the instrument.