EXPLANATORY MEMORANDUM TO

THE SOUTH GLOUCESTERSHIRE AND STROUD COLLEGE (INCORPORATION) ORDER 2011

2011 No. 2974

AND

THE SOUTH GLOUCESTERSHIRE AND STROUD COLLEGE (GOVERNMENT) REGULATIONS 2011

2011 No. 2975

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.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The incorporation order establishes a new further education corporation to be known as the South Gloucestershire and Stroud College and will come into force on 4th January 2012.

2.2 The regulations provide for the governance of the new corporation.

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

3.1 In its 29th report of Session 2007-08, dated 3 November 2008 (the report), the Joint Committee on Statutory Instruments stated that it was content with the survival of clause 7(5) of the Instrument of Government in Schedule 1 to the Regulations there reported, and reported this clause as calling for elucidation, largely but not wholly provided in the Department's memorandum.

3.2 The Department has included this provision in response to a request by a significant number of further education colleges. A consultation on the Instrument of Articles of Government for Further Education Colleges was conducted in 2006 and involved all further education colleges. The response from the stakeholders requested the fact that a clerk can also be employed as a member of the corporation's staff in a role other than the clerk should be expressly stated in the instrument. This point has previously been a regular query for clarification from further education colleges and clerks. The Department wishes to make the Regulations as clear as possible without the need for extra guidance. Furthermore, this provision has survived in other instruments of government, as the JCSI agreed that it could, and it is therefore included here in order

to avoid any suggestion that its omission signifies that the position of the clerk at this FE corporation is different from other FE corporations.

4. Legislative Background

4.1 Sections 16(1) and 17 of the Further and Higher Education Act 1992 give 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 give the Secretary of State the power to prescribe the Instrument and Articles of Government for a further education corporation.

5. Extent

5.1 These instruments apply to England.

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

6. European Convention on Human Rights

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

7. Policy background

7.1 The Corporations of Filton College and Stroud College have proposed the merger of the two colleges. This will be achieved by the incorporation of the South Gloucestershire and Stroud College, to be followed by the dissolution of each of the existing colleges and the transfer of the property, rights, and liabilities of each college to the Corporation of the South Gloucestershire and Stroud College.

7.2 The public consultation identified broad support for the proposal. The merger is of two well performing colleges at two ends of a 'rural corridor' between Stroud and Bristol to form a medium sized college. A core element of the proposal is that the merged college, unlike the individual colleges, would be able to invest in the rural 'mid area' (centred around the town of Dursley) that has high levels of deprivation, higher than average unemployment rates and low participation rates. In addition to a new centre in the mid-area, the merged college also intends to set up an Apprenticeship Training Centre to coordinate apprenticeship provision and a new engineering centre in Stroud focusing on Levels 3 and 4. .

8. Consultation outcome

8.1 In accordance with section 51 of the Further and Higher Education Act 1992 and the Education (Publication of Draft Proposals and Orders) (Further Education Corporations) (England) Regulations 2001 (SI 2001/782) there has been a full public consultation on this proposal.

8.2 137 responses were received in respect of the proposal, from staff, students, local businesses and educational establishments; of these, 108 were in support of the proposed merger; 8 were unsure; and. 11 responses opposed the

merger on such grounds as “there should be more consultation on the proposed curriculum with other local providers”.

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 minimal

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 Not applicable.

13. Contact

13.1 Kathryn Harrison at the Department for Business, Innovation, and Skills Tel: 0114 207 5316 or e-mail: kathryn,harrison@bis.gsi.gov.uk can answer any queries regarding the instrument.