EXPLANATORY MEMORANDUM TO

THE VALLEY INVICTA PARK FEDERATION (SCHOOL GOVERNANCE) ORDER 2007

2007 No. 167

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 requirements of the School Governance (Federations) (England) Regulations 2004 shall be relaxed in relation to the governing body of the Valley Invicta Park Federation, which comprises the Invicta Grammar School and the Valley Park Community School. The relaxation of the regulation allows for the appointment of a maximum of 23 governors, as well as allowing the two heads of school of the federation to be appointed as ex-officio governors. Article 3 specifies that the Order shall have effect until February 2010.

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 as amended by the Education and Inspections Act 2006. 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, or to relax the requirements of such legislation, in order to further such innovative projects. Orders made under section 2 have effect for the period specified in the order, which cannot exceed 3 years.

4.2 The Order relaxes certain requirements of the School Governance (Federations) (England) Regulations 2004 (SI 2004/2042). These regulations set out details relating to the governance of federated schools, including placing limitations on the size and composition of the federated governing body.

5. Extent

5.1 This instrument applies to the governing body of the Valley Invicta Park Federation of Federation Offices, Valley Park Community School, Huntsman Lane, Maidstone, Kent ME14 5DT.

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 schools, LAs, Further Education Colleges and foundations 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.

The Order will allow the Federation to increase the size of its governing body to 23 governors; three more than the regulations allow, thereby providing for the Heads of School of the two federated schools to be ex officio members of the governing body. This change will support the overall leadership of the Federation and ensure continuity of management of care, conduct, access and inclusion, and curriculum and assessment which is expected to support the raising of standards for all students including those with special educational needs.

7.2 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. All governors and staff at the schools were consulted, as were the key members of the local authority. The proposal was discussed at a meeting of the full governing body involving key members of staff and all support the proposal. Letters were sent out to all parents of pupils attending both schools – one objection (concerning the personality of the Head of School) was received.

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

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