EXPLANATORY MEMORANDUM TO

THE WEST EARLHAM INFANT SCHOOL AND WEST EARLHAM JUNIOR SCHOOL (SCHOOL DAY AND SCHOOL YEAR REGULATIONS) ORDER 2013 No. 473

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

2. Purpose of the instrument

2.1 This Order facilitates an innovative project by West Earlham Infant School and West Earlham Junior School to implement the 'Read Write Inc' phonics scheme in both schools by allowing an extra school closure day to enable staff to undertake the necessary training. The Order relaxes, with respect to the schools, the requirement in regulation 3(2) of the Education (School Day and School Year) (England) Regulations 1999 that the schools must convene for 380 sessions in the 2012-13 school year.

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

3.1 None

4. Legislative Context

4.1 This Order is made under section 2 of the Education Act 2002 ("the 2002 Act") under the power to facilitate innovation – more commonly known as "power to innovate". The purpose of Chapter 1 of Part 1 of the 2002 Act is to facilitate the implementation of innovative projects which may (in the opinion of the Secretary of State) contribute to the raising of educational standards in England. Section 2 gives the Secretary of State the power, on the application of one or more qualifying bodies, to exempt an applicant from particular provisions of education legislation, or to relax the requirements of, or to make modifications to, such provisions in order to further such innovative projects. Orders made under section 2 have effect for the period specified in the Order, which cannot initially exceed three years.

4.2 The governing bodies of West Earlham Infant School and West Earlham Junior School applied for a Power to Innovate Order to take part in 'Read Write Inc' training, which is a programme that is designed to rapidly improve reading and writing for all learners. This programme is on a list of training approved by the Department. For all staff to participate in the training, the schools would need to close for an additional day during the academic year 2012-13. The Secretary of State is of the opinion that this Order facilitates the implementation of an innovative project to raise educational standards for the reasons set out in paragraphs 7.1 – 7.2 below and makes this Order under his powers as set out in paragraph 4.1 above.

5. Territorial Extent and Application

5.1 This instrument applies in England only.

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

7.1 West Earlham Junior School and West Earlham Infant School wish to implement the Read Write Inc scheme across the two schools. At present there is no scheme that runs between the two schools and they wish to ensure that the teaching of phonics is sufficiently rigorous and systematic at both schools. In implementing the scheme, children will work between the two schools and benefit from the teaching skills at the correct level for them. The 'Read Write Inc' programme is approved by DfE.

7.2 Teachers at the schools have received some training in the teaching of phonics, but need more and to a higher standard in order to be able to teach at a level which will have the greatest impact on the quality of learning in school. Both schools, particularly the junior school, need to get the phonics programme in place as a matter of some urgency

7.3 The schools managed to secure the 'Read Write Inc' training for 50 members of staff on 7 and 8 January 2013 Both schools were already closed on 7 January which covered the first training day. Shutting the school on 8 January 2013 as well would mean that (taking into account other training days planned, but not yet taken, to the end of the academic year 2012-13) the schools would not be open for the 380 sessions required by the relevant legislation. . Relaxation of the relevant legislation from 380 sessions to 378 sessions, allows them to continue with all existing training planned for 2012 -13 and, additionally, to participate in the Read Write Inc scheme.

8 Consultation outcome

8.1 Section 4(2) of the EA 2002 places a legal obligation on applicants for a PtI Order to consult with the local authority and with other appropriate persons on their proposal.

8.2 The schools have consulted with all staff and parents of both schools. Consultation with parents was by letter and the schools also consulted with the local authority by seeking their guidance on how best to facilitate a joint schools intervention in relation to reading/writing standards at the schools. The proposals were supported by the governors, staff and parents of both schools. No concerns were raised about the extra closure day, and the local authority supported the innovation in principle.

8.3 Under section 2(3) of the 2002 Act the Secretary of State shall, if appropriate, consult with the Chief Inspector before making an Order under the power to facilitate innovation. The Chief Inspector has not been consulted in relation to this Order as it was not considered appropriate to do so.

9. Guidance

9.1 Guidance is provided to applicants who seek a power to innovate order under Part 1. The Guidance sets out the requirements for project review and analysis, evaluation, and plans for reverting to existing practice at the end of the project if necessary. However, no guidance is given in respect of the Order itself since the Order is being made on the application of the participating bodies.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 The impact on the public sector is expected to be minimal.

10.3 Accordingly, an Impact Assessment has not been prepared for this Instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Power to innovate projects are monitored by the DfE to assess their impact on educational standards. Applications must include the measures to be used to monitor the effect of projects and must include a broad description of the evaluation strategy. A final evaluation report is required to be submitted by the schools to the DfE when the project ends. The DfE publishes an annual report on the Power to Innovate Orders made each academic year.

13. Contact

13.1 Amanda McKenna at the Department for Education Tel: 01325 735 488 or email: amanda.mckenna@education.gsi.gov.uk who can answer any queries regarding the instrument.