

EXPLANATORY MEMORANDUM TO THE

The Davies Lane Infant School (Change to School Session Times) Order 2004 No.1712

1. This explanatory memorandum has been prepared by the Department for Education 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 This Order is made under section 2 of the Education Act 2002. Article 2 provides that the Changing of School Session Times (England) Regulations 1999 do not apply to the governing body of Davies Lane Infant School. Article 3 specifies that the Order shall have effect until 31 August 2004.

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

3.1 There are four previous Power to Innovate Orders that relate to the Changing of School Session Times (England) Regulations 1999. These are:

- The Langley Junior School (Change to School Session Times) Order 2002 No.3063
- The Grinling Gibbons Primary school (Change to School Session Times) Order 2003 No.716
- The Norton College (Change to School Session Times) Order 2003 No.1671
- Hadleigh Junior School (Change to School Session Times) Order 2004 No.108

4. Legislative Background

4.1 The Power is the result of concerns that innovative ideas can be unintentionally thwarted by detailed regulations and legislation. The Power 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.

4.2 The Powers to Facilitate Innovation provisions commenced on 1 October 2002 as the "Power to Innovate". These are set out in Sections 1 to 5 of the Education Act 2002.

5. Extent

5.1 This instrument applies to the Governing Body of Davies Lane Infant School, Davies Lane, Leytonstone, London, E11 3DR.

6. European Convention on Human Rights

The Minister of State for School Standards, David Miliband has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Davies Lane Infant School (Change to School Session Times) Order 2004 No.1712 are compatible with the Convention rights.

7. Policy background

7.1 The Power to Innovate provides the Governing Body of schools, LEAs and EAZs 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.

7.2 Davies Lane Infant School has applied for exemption from the regulations that govern changes to the school session times. The school is co-located with Davies Lane Junior School. In September the schools will amalgamate whereby the Junior School will close and the Infant will continue whilst expanding to become a primary school, taking on the KS2 pupils. The Governing Body of the school wishes to alter the start and end times of the school day from September in order that the KS2 pupils can receive the DfES recommended taught time, however they do not have sufficient freedoms and flexibilities under the school session time regulations to be able to do this until September 2005. Therefore, they seek a Power to Innovate Order so that they can provide these pupils with additional taught time than they would otherwise be able to offer in the 2004-5 academic year.

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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