

## **EXPLANATORY MEMORANDUM TO**

### **THE EDUCATION (CHANGE OF CATEGORY OF MAINTAINED SCHOOLS) (AMENDMENT) (ENGLAND) REGULATIONS 2006**

**2006 No. 1164**

- 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 House of Lords Merits Committee.

- 2. Description**

2.1 These regulations amend the Education (Change of Category of Maintained Schools) (England) Regulations 2000 (“the principal regulations”) in relation to the process for community and voluntary controlled schools to change category to foundation.

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

These regulations correct an error in the Amending Regulations SI2005/1731 which implemented the fast-track route for community and voluntary controlled secondary schools to change category to foundation. This is a purely technical amendment. Schedule 2B did not follow immediately after Schedule 2A in the body of SI2005/1731. The Regulations correct this error. Schedule 2B was for illustrative purposes only and the law has been changed by virtue of Schedule 2A. The error occurred during printing.

- 4. Legislative Background**

These regulations correct an error in SI2005/1731 which gave effect to a commitment in the Department for Education and Skills five-year strategy to enable community and voluntary controlled secondary schools to change category to foundation more easily.

- 5. Extent**

5.1 This instrument applies 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**

7.1 The policy background is set out in the Department for Education and Skills Five Year Strategy for Children and Learners, published in July 2004. Chapter 4 states that: “every school that is not a foundation school will have the right, by a simple vote of its governing body, following a brief period of consultation, to become one.”

7.2 The effect of these Regulations is to correct an error in SI2005/1731 which gave effect to the fast-track route for community and voluntary controlled secondary schools to change category to foundation.

## **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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