

EXPLANATORY MEMORANDUM TO
THE OFFICE FOR STANDARDS IN EDUCATION, CHILDREN'S SERVICES AND
SKILLS AND HER MAJESTY'S CHIEF INSPECTOR OF EDUCATION,
CHILDREN'S SERVICES AND SKILLS (ALLOCATION OF RIGHTS AND
LIABILITIES) ORDER 2007

2007 No. 600

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 allocates rights and liabilities as between the Office for Standards in Education, Children's Services and Skills ("the Office"), and HM Chief Inspector for Education, Children's Services and Skills ("the Chief Inspector"), in accordance with their respective functions as set out in the Education and Inspections Act 2006 ("the Act").

2.2 The Act sets out the remit of the Chief Inspector, and functions in respect of the inspection and regulation of services within her remit; sets out the functions of the Office (in effect the non-executive board) in setting strategic priorities and objectives in relation to the Chief Inspector's functions; and provides that certain functions of the Office, for example in respect of the appointment and dismissal of staff, are to be exercisable only by the Chief Inspector, as a member of the Office. The Order allocates rights and liabilities (including the conduct of legal proceedings) in accordance with this allocation of functions. The effect is that rights and liabilities in relation to appointment or dismissal of staff are allocated to the Chief Inspector, being a function of the Office exercisable only by the Chief Inspector. Rights and liabilities in relation to the exercise of functions in connection with inspection and regulation are allocated to the Chief Inspector in her capacity as such, as those functions are her alone.

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

3.1 None.

4. Legislative Background

4.1 The functions of the Office and the Chief Inspector are set out in Part 8 of the Act. Part 8, so far as not already in force, is to be brought into effect so that the Office and Chief Inspector begin to exercise their functions from 1 April 2007.

5. Extent

5.1 This instrument applies to England.

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 government's proposals for a single inspectorate for education and children's social care were contained in the 2005 consultation paper *A Single Inspectorate of Children and Learners*. The single inspectorate will mirror the integration of local authority services for education and children's social services, following the government's Green Paper "Every Child Matters" published in September 2003, and the Children Act 2004.

7.2 The Act establishes the Office as a non-executive board whose functions are to set strategic priorities and objectives in relation to the functions of the Chief Inspector, and provides that regulatory and inspection functions are functions of the Chief Inspector alone.

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.

8.2 The Regulatory Impact Assessment which accompanied the 2005 consultation paper *A Single Inspectorate of Children and Learners* concluded that a single inspectorate would impact positively on a range of different sectors, and would deliver significant cost savings, although there would be some start up costs.

9. Contact

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