

**EXPLANATORY MEMORANDUM TO  
THE WALKERGATE PRIMARY SCHOOL (CHANGE TO SCHOOL SESSION  
TIMES) ORDER 2007**

**2007 No. 1408**

**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**

This Order is made under section 2 of the Education Act 2002. Article 2 provides that regulation 3(a) of the Changing of School Session Times (England) Regulations 1999 does not apply to the governing body of the Walkergate Primary School. Article 3 specifies that the Order shall have effect until 27 July 2007.

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

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 Section 161 of and Schedule 16 to the Education and Inspections Act 2006. The purpose of Chapter 1 of the 2002 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 in order to further such innovative projects. Orders made under s. 2 have effect for the period specified in the order, which cannot exceed 3 years.

4.2 The Order suspends the Changing of School Session Times (England) Regulations 1999 (SI 1999/2733). The start and finish times for school sessions are decided by the governing body of each school. However, these regulations say that no change in the times of the beginning or end of a school day shall be made so as to take effect otherwise than at the beginning of a school year and also require that the local education authority and parents be given at least three months notification of a change.

**5. Extent**

This instrument applies to the governing body of Walkergate Primary School, Sutton Street, Walkergate, Newcastle upon Tyne, NE6 4SD.

**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 the governing body of schools and colleges of further education, foundations and local education authorities 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.

8 This order will allow the school to change the timings of the school day otherwise than at the beginning of the school year and to reduce the notification period. The school is anticipating the disruption and loss of play space that will result from the construction of a new school on the site, commencing April 2007. The school wishes to finish 15 minutes earlier and to stagger the lunch break, shortening it from 1 hour to 45 minutes to ensure that the drive to raise standards can be maintained without further adverse effect on staff and pupils. Daily ‘taught time’ will be unaffected.

9 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. The governing body has given assurances that all stakeholders have been consulted.

10 All Governors, staff and the local authority support the proposal. The staff and unions were consulted about the option of reducing the lunch period with no change to the end of the school day, which would have required an increase in teaching time. They preferred the proposed option which leaves teaching time unchanged. Of the 22 parents who attended a meeting the only concern was the additional cost of fifteen minutes of after-school childcare. Concern was also expressed in writing about a nearby Early Years Centre with a similar closing time. Although not modifying the proposal the school has taken steps to provide after-school care for children with siblings in the nursery and put in place extended school provision for other pupils, to limit the impact on parents and carers.

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

- The Cadishead Primary School ( Change to School Session Times) Order 2006 No. 2370
- 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
- The Hadleigh Junior School (Change to School Session Times) Order 2004 No.108
- The Davies Lane Infant School (Change to School Session Times) Order 2004 No.1712

- The Albion Junior School (Change to School Session Times) Order 2004 No.2685
- The Wanstead High School (Change to School Session Times) Order 2005 No.2058
- The Nobel School (Change to School Session Times) Order 2006 No.1072
- The Central Leeds Learning Federation (Change to School Session Times) Order 2006 No.2005
- The Newfield School (Change to School Session Times) Order 2006 No 3147

## **8. Impact**

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

Penny Baker at the Department for Education and Skills Tel: 020 7925 5354 or e-mail: penny.baker@dfes.gsi.gov.uk can answer any queries regarding the instrument.