

Department for Education

Powers to Facilitate Innovation
Annual Report
For the Academic Year ending
31 July 2010

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2002.

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Background

1. The Secretary of State is required by Section 5 of the Education Act 2002 to prepare an annual report on the orders made by him in that academic year under section 2 of the Act - the "Power to Innovate" - and to lay a copy of the report before each House of Parliament.

2. The purpose of the Power to Innovate (PtI) is to facilitate the implementation of projects that may contribute to the raising of educational standards, by allowing the Secretary of State to make an order exempting an applicant from a specific requirement of education law for a period of up to three years. The Power was commenced on 1 October 2002, initially for four years. The Education and Inspections Act 2006 extended the Power by removing the time-limiting provision, and extending the range of bodies who could apply.

Use of the Power to Innovate

3. Since its inception, the existence of the Power to Innovate has encouraged schools to consider what the barriers might be to raising standards for their pupils in their particular circumstances, and to explore innovative options that may not previously have been considered. It has also encouraged schools and local authorities to re-examine their existing practices, and make use of the freedoms and flexibilities they already have. Not all innovative ideas require an exemption from legislation, and applicants often discover that the necessary freedoms and flexibilities already exist.

4. The Department provides advice and a central point of contact for schools, and two documents have been made available to inform and support applicants. These are: "Power to Innovate: Guidance to Applicants" and "Power to Innovate: Application for Order". Both are available to download from <http://www.education.gov.uk/schools/leadership/schoolperformance/a0014624/power-to-innovate>

5. The guidance informs potential applicants of the process and the criteria they should take into account when applying. It reinforces the need for applicants to demonstrate:

- how their proposal contributes to the raising of educational standards;
- that their proposal has regard to the need for the school to have a balanced and broadly based curriculum;
- that they have considered the likely effect their proposal would have on all children who may be affected by it;

- that the proposed Order would not have a detrimental effect on pupils with Special Educational Needs;
 - that they have undertaken appropriate consultation;
 - the specific piece of legislation that needs to be disapplied; and
 - an appropriate exit strategy once the Order has run its course, should the disapplication not be carried into general legislation.
6. During the 2009/2010 academic year, the Department has dealt with enquires from schools and local authorities wanting to test a range of innovations, mainly around the following areas:
- Flexibility over school meal pricing
 - Governance and leadership of school federations and joint-working arrangements
 - Curriculum development and flexibilities
 - Admission of pupils to special schools
 - Changes to the length and structure of the school day

Orders made under the Power

The table below sets out the number of Ptl Orders made in each academic year, and the number of schools to which those orders applied. This report covers the academic year 2009/2010 in which one order was made affecting all primary schools maintained by Bolton Metropolitan Borough Council, including a number of school governing bodies. The Order is described in more detail below.

Academic Year	Orders made	Schools affected
2002/2003	3	3
2003/2004	5	100
2004/2005	5	73
2005/2006	5	9
2006/2007	6	14
2007/2008	5	5
2008/2009	2	340
2009/2010	1	95
Total	32	639

Order made under the Power in 2009/2010

The Bolton Metropolitan Borough Council (School Meals) Order 2009 No. 3144

Order made 30th November 2009

The applicant

The Bolton Metropolitan Borough Council

The school to which the Order applies

All primary schools maintained by Bolton Metropolitan Borough Council and the school governing bodies of those schools that have a delegated budget for school meals, namely, Lever Edge Lane Primary School, Red Lane Primary School, St Paul church of England Primary School, St. Bede Church of England Primary School, Leverhulme Primary School and Castle Hill Primary School.

Innovation facilitated

The Order exempts the Bolton Metropolitan Borough Council from requirements in the Education Act 1996, for local authorities to charge every person the same price for the same quantity of the same food. The Order allows the Authority and those schools that have a delegated budget for school meals, to offer a range of promotions to encourage the take-up of primary school meals and to assess the impact of this on the behaviour and performance of pupils. The provision of a discounted school meal has the opportunity to influence the eating habits of a significant number of young children particularly those being introduced to schooling, and potentially to have an impact on healthy eating within the family setting.

Relevant legislation

The Education Act 1996 (sections 512ZA(2) and 533(4))



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