

Department for Children, Schools and Families

Powers to Facilitate Innovation  
Annual Report  
for the academic year ending  
31 July 2007

Presented to Parliament by the Secretary of State for Children, Schools and Families  
pursuant to section 5(1)(b) of the Education Act 2002

Ordered by the House of Commons to be printed on 31 January 2008

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## **Report number 5**

### **Background**

1. The purpose of the “Power to Innovate” (Ptl) is to facilitate the implementation of innovative projects that may contribute to the raising of educational standards, by allowing the Secretary of State to make orders under section 2 of the Education Act 2002 to exempt applicants from education law requirements. The Power was commenced on 1 October 2002, with a four year lifespan. However, in the Education and Inspections Act 2006, the Power was extended by removing these time-limiting provisions.
2. The Education Act 2002, Section 5 sets out the requirement for the Secretary of State to prepare a report on all the orders made by him under section 2 of the Act in that academic year and to lay a copy of the report before each House of Parliament.
3. The Ptl remains an important part of the Government's determination to use innovation to drive up educational standards. Schools and local authorities (LAs) have used it to support their work, for example, in encouraging student participation in the management of a sixth form centre, by enabling ‘virtual’ meetings of school governing bodies and by extending the age range of certain schools to give disadvantaged students the opportunity of an extra year in a familiar setting to gain the skills needed for further education or training.

### **Orders made under the Power**

4. 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 2006-07 in which there were six orders affecting 14 schools and these are described in Annex A of this report.

<b>Annual Report (Academic Year)</b>	<b>No of Orders Made</b>	<b>No of schools</b>
2002-2003	3	3
2003-2004	5	100
2004-2005	5	73
2005-2006	5	9
2006-2007	6	14
<b>TOTAL</b>	<b>24</b>	<b>199</b>

## Use of the Power to Innovate

5. The Ptl is administered by the Department for Children, Schools and Families (DCSF) in partnership with the Innovation Unit (for the purposes of this report this partnership will be referred to as the Ptl Team). The power has provided a means of promoting school freedoms and flexibilities, as well as being an effective strategic tool that enables schools, local authorities, and the DCSF to test new ideas.
6. Two documents have been developed to support applicants. These are entitled "Power to Innovate: Guidance for Applicants" and "Power to Innovate: Application for Order" both of which are available to download from the website at

<http://www.standards.dcsf.gov.uk/innovation-unit/Information/powerinnovate/ptiapply/?version=1>

7. 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; and
  - that they have undertaken appropriate consultation. Consultation is an integral part of the application process and an application will not be approved unless all those likely to be affected have been given the opportunity to consider and comment of the proposal. In all these cases the Department have asked for evidence that staff, parents and others affected by the proposals had been consulted and their views taken into account.
8. Since its inception in 2002, the Power to Innovate has acted as a catalyst in the system, making schools and LAs actively consider what might be the barriers to raising standards for their pupils and to look at innovative options that they may not previously have contemplated. The Ptl Team provides advice and a central point of contact for schools and Local Authorities on the Ptl. In practice, it is clear that not all innovative ideas require an exemption from legislation and the Ptl Team has been able to advise schools and LAs accordingly and to encourage them to make use of the freedoms and flexibilities that they already have.
9. In the five years to the end of the academic year 2006/2007 the Ptl team had administered over 1,700 formal enquiries and the Secretary of State had made 24 Ptl orders that have directly benefited around 200 schools and colleges. These orders have ranged across a number of different policy areas:

- Nearly half of the Orders made related to changes to school sessions, for example, to facilitate planning, preparation and assessment and curriculum development, or to align school opening times mid year where schools have been amalgamated.
  - A third of all Orders have been to facilitate the trial of different governance provisions for schools and federations; for example alternative governance arrangements for a network of maintained nursery schools; e-governance arrangements using ICT which allowed for governors to meet and vote “virtually”; and allowing student governors of a sixth form.
  - Others included enabling a federation of schools to teach and enter pupils (newly arrived from non English-speaking countries) for the International General Certificate of Secondary Education in English (iGCSE); and the provision of free breakfasts and lunches and after school refreshments for all primary and secondary school pupils regardless of parental income in the Hull City Council area.
10. The number of Orders made in any year should not be taken to indicate the sum total of activity in advising and supporting schools wishing to introduce innovative ideas to raise standards. The DCSF and the Innovation Unit continue to receive many informal enquiries for which they have been able to advise on existing freedoms and flexibilities. The importance of the Ptl lies not only in the Orders granted but in the way that the Power's existence has provoked consideration of real and perceived barriers to raising standards. Enquiries and applications cover a wide range of questions and promote challenge that is focused on pupil outcomes.
11. In five years, three Ptl applications submitted to the Secretary of State for a decision have been rejected. The reason for rejection of two of these was that an aspect of their proposals involved a loss of teacher contact time or supervision with pupils and the Minister was not persuaded that this would lead to raised educational standards. The other rejected application was from a primary school which proposed single stage admission arrangements to the school for pupils who were about to be aged five years. The consultation revealed firm objections from the local authority and other schools in the area as the proposal went against an agreement in the local Admissions Forum for there to be two stage entry for all schools in the town until they moved together to a single entry arrangement in the following year.
12. Around 20 applications had been withdrawn by applicants part way through the process and therefore had not been referred to the Minister to make a decision. Generally, in these cases, the applicant was unable to make a robust case for their proposals and it was agreed mutually to withdraw the application. The majority of these proposals sought to hold additional INSET days for teachers and staff or to make changes to school session times which would have resulted in a loss of pupil contact time. In other cases it was not clear how a proposal might raise educational standards or there was overriding opposition in the consultation.

## Impact of the Ptl

13. Ptl orders are limited to three years (with the possibility of a further three year extension). Following this the applicants must revert to previous arrangements. The Blackburn with Darwen Order (SI 2004/657) is, to date, the only Order to be given an extension. The extension (SI 2007/676) was made 4 February 2007 and is described in Annex A of this report.
14. Where outcomes of Ptl projects show positive impact the DCSF will consider whether it would be desirable, from a policy perspective, for education law to be changed and make recommendations to ministers. There are a number of examples to date where future policy may be informed by the Ptl:

**i) Regulations which apply to changing timings of the school day mid year.**

These are the most common Ptl applications where schools are amalgamating or new schools are opening (e.g. related to Building Schools for the Future (BSF)). Depending on local circumstance it can be necessary to align opening times of schools mid year particularly where they are on split sites to help ensure the safeguarding of children. The relevant DCSF policy team are to consider whether existing regulations should be amended as they currently only allow school times to be changed at the beginning of the academic year (applies to community / voluntary controlled schools only).

**ii) Governance and Pupil Voice.**

Haringey LA opened a sixth form centre and applied for an order to be exempt from the statutory requirements relating to the composition of the permanent Governing Body (GB). Through this they created three elected places on the GB for students aged 16-18. The creation of student governors will act to increase student voice and motivation through the sixth form centre. This is a trial in a controlled situation, with limited powers for the students, but which can be used to inform policy discussion around harnessing effectively pupils' voice in schools.

**iii) Extending the age range of a school.**

An application from Southwark LA sought relaxation of regulations to allow them to change the age range of four schools in the area. The four community schools were allowed to take year 12 students on to their rolls who would otherwise have been required to leave school but were likely not to choose to go into education or training. The students on the programme are low educational achievers, quite often with special educational needs or English as an additional language as recent arrivals to the country. Under the Ptl these students have the opportunity of an extra year in a familiar setting to gain the skills needed to progress in further education or training. The Department had also received other enquiries about whether it was necessary to publish proposals for changes to a school's age range where the change would be for one or two years only. This contributed to the decision to change the relevant regulations. Under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (Paragraph 3 of Schedule 2) there is now no requirement to publish proposals to raise a school age range if the change is a temporary one which will be in place for no more than two years.

15. In 2006 a more detailed review of six Ptl projects was undertaken on behalf of the former Department for Education and Skills. In particular the review explored whether the Ptl was operating as intended and sought to identify any issues relating to its effectiveness for schools and the system (i.e. in support of innovative approaches to raising standards).

16. In summary the review found that the Power to Innovate projects:

- allowed the Department to respond positively to particular local needs and issues and to trial small scale initiatives that can inform national policies and act as a catalyst for change locally;
- represented serious and thoughtful attempts to address particular local or individual school issues and so their diversity is to be expected;
- have encouraged increased local consultation and involvement through the consultative process and implementation;
- have created a strong commitment and sense of empowerment amongst many key participants, together with a heightened sensitivity to obstacles to pupils' learning and achievement and how to address them;
- have the potential to make valuable contributions to improvements in teaching, learning and educational achievement;
- ensured that no groups of pupils were disadvantaged by any of the projects and that those with special educational needs should benefit if the projects are successful.

**Power to Innovate Orders Made in Academic Year 2006-2007**

**ORDER 1:** The Blackburn with Darwen (Maintained Nursery School Governance) (Amendment) Order 2007 No.676 made 4 February 2007.

**The applicant:** The Council of the Borough of Blackburn with Darwen.

**The seven schools to which the Order applies**

- Audley Nursery School Queens Road, BB1 1QG
- Ashworth Nursery School, Addison Close, BB2 1QU
- Brunel Nursery School, Brunel Walk, , BB1 1HN
- Chapels Nursery School, Winterton Road, Darwen, BB3 0ER
- John Smethurst Nursery School, St James's Road, Blackburn, BB1 8ES
- Kelsall Avenue Nursery School, Kelsall Avenue, Blackburn, BB1 5RU
- Seven Trees Nursery School, Whalley Street, Blackburn, BB1 6ER

**Innovation facilitated**

This was an extension of the Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (SI 2004/657) which exempted the Council from the requirement in Part 3 of the Education Act 2002 to constitute a governing body for seven of its nine maintained nursery schools and made modifications to education law consequential on that exemption. This Amendment order extended the period of that order by a further two years, to 30 March 2009.

The Order allowed Blackburn with Darwen Local Authority to continue to test the effectiveness and properly evaluate the evidence and the wider benefits of the governance arrangements for the Council's Integrated Children's Centres. Initial evaluation indicated that the Council's strategy was laying down important foundations for combating the effects of deprivation and historic lack of multi-agency working, which inhibit the life chances of many children including those from the poorest communities. It also reflected the positive benefits of much earlier intervention and the effectiveness of partnership working, including pooling resources across the authority. An extension was allowed because more time was required to measure the full impact.

**Relevant legislation:** Part 3 of the Education Act 2002 and Section 88 of the Education and Inspections Act 2006

**ORDER 2:** The Valley Invicta Park Federation (School Governance) Order 2007 No 167 made 26 January 2007.

**The applicant:** Valley Invicta Park Federation

**The two schools to which the Order applies**

- Valley Invicta Park Federation of Federation Offices, Valley Park Community School, Huntsman Lane, Maidstone, Kent ME14 5DT. The federation comprises the Invicta Grammar School and the Valley Park Community School.

**Innovation facilitated**

The Order allowed the federation to increase the size of its governing body to 23 governors; three more than the regulations allow, thereby providing for the Heads of School of the two federated schools to be ex officio members of the governing body. This change supported the overall leadership of the Federation and helped to ensure continuity of management of care, conduct, access and inclusion, and curriculum and assessment which is expected to support the raising of standards for all students including those with special educational needs.

**Relevant legislation:** The School Governance (Federations) (England) Regulations 2004 (SI2004/2042)

**ORDER 3:** The Hadley Learning Community (School Governance) Order 2006 No 2212 made 9 August 2006.

**The applicant:** Hadley Learning Community

**The two schools to which the Order applies**

- Hadley Learning Community Primary School Waterloo Road, Hadley, Telford, Shropshire, TF1 5NU
- Hadley Learning Community Secondary School, Waterloo Road, Hadley, Telford, Shropshire, TF1 5NU

**Innovation facilitated**

The Order allowed the federated schools to establish a single governing body with 24 governors; four more than the regulations allow. It also provided for the deputy head teachers of the two federated schools, as well as the head teacher of the federation, to be ex officio members of the governing body. This single governing body governed the federated schools, which, in combination, provided continuous age 5-16 education. The new governing body supported the overall leadership of the Learning Community, enabling greater continuity in the management of care and conduct, access and inclusion, curriculum and assessment in order to raise standards for all pupils.

**Relevant legislation:** Regulation 21 of the School Governance (Federations) (England) Regulations 2004 (SI2004/2042).

**ORDER 4:** The Cadishead Primary School (Change to School Session Times) Order 2006 No 2370 made 27 August 2006.

**The applicant:** The governing body of Cadishead Primary School

**The school to which the Order applies**

- Cadishead Primary School, Allotment Road, Cadishead, Manchester, M44 5JD.

**Innovation facilitated**

This order allowed the school to change the timings of the school day otherwise than at the beginning of the school year. They shortened a long lunch break, and re-scheduled start and finish times to introduce a timetable that was designed around learning rather than administrative contingencies. There would be no loss of 'taught time' and confining the core school day to daylight hours would also maximise the opportunities for sport and outdoor play.

**Relevant legislation:** Regulation 3(a) of the Changing of School Session Times (England) Regulations 1999 (SI 1999/2733).

**ORDER 5:** The Walkergate Primary School (Change to School Session Times) Order 2007 No 1408 made 6 May 2007

**The applicant:** the governing body of the Walkergate Primary School

**The school to which the Order applies:**

- Walkergate Primary School, Sutton Street, Walkergate, Newcastle upon Tyne, NE6 4SD.

**Innovation facilitated**

This order allowed 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 was 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 wished 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' would be unaffected.

**Relevant legislation:** Changing of School Session Times (England) Regulations 1999 (SI 1999/2733).

**ORDER 6:** The Newfield School (Change to School Session Times) Order 2006 No 3147 made 25 November 2006.

**The applicant:** The governing body of the Newfield Secondary School

**The school to which the Order applies**

- Newfield Secondary School, Lees Hall Road, Sheffield, South Yorkshire, S8 9JP

**Innovation facilitated**

This order allowed 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 was anticipating the significant disruption that would result from Building Schools for the Future (BSF) work, due to start in December 2006, and to ensure that the drive to raise standards could be maintained without further adverse effect on staff workloads. Daily 'taught time' would be unaffected.

**Relevant legislation:** Changing of School Session Times (England) Regulations 1999 (SI 1999/2733).



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