

Department for Children, Schools and Families

Powers to Facilitate Innovation
Annual Report
for the academic year ending
31 July 2006

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 4

Background

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.

The purpose of the “power to innovate” is to facilitate the implementation of innovative projects that may contribute to the raising of the educational standards, by allowing the Secretary of State to make orders under section 2 to exempt applicants from education law requirements. The Power was commenced on 1 October 2002, with a four year lifespan, meaning that only amending or revoking orders may be made after 1 October 2006. However, in the Education and Inspections Bill currently before Parliament, it is proposed that the Power be extended by removing these time-limiting provisions.

The ' Power to Innovate' remains an important part of the Government's determination to use innovation to drive up educational standards. Schools and local authorities 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 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

In the 2002/2003 academic year (the first academic year of the Power to Innovate) 3 Orders were made. These Orders applied to 3 school institutions and are described in the first Annual Report published on 30 October 2004. The second annual report, published 28 October 2004 describes a further five Orders, directly affecting around 100 schools, that were made in 2003/2004.

The Third annual report, published 27 October 2005, describes the five Orders made in 2004/5, directly affecting a further 73 schools. The academic year 2005/2006 has seen 5 more orders, affecting 9 schools.

ORDER 1

**The Southwark London Borough Council (Prescribed Alteration) Order 2005.
Statutory Instrument 2005 No.2836.**

Order made 11 October 2005

The Applicant

The Southwark London Borough Council

The schools to which the Order applies

Walworth School
Shorncliffe Road
London
SE1 5UJ

Waverley School
Homestall Road
Southwark
SE22 0NR

Kingsdale Secondary School
Alleyn Park
London
SE21 8SQ

Aylwin Girls' School
55 Southwark Park Road
London
SE16 3TZ

Innovation facilitated

As part of a 14-19 Pathfinder in Southwark, four Year 7-11 community schools wished to take Year 12 students on to their rolls as part of a "Collaborative Transition Sixth Form". The students were those identified as unlikely to make a successful transition at 16 – and as such unlikely to be in education, employment or training. The order exempted Southwark London Borough Council from certain procedural requirements for changing the age range of pupils admitted to the schools.

These requirements would have taken almost one year to complete, which would have disadvantaged Year 11 students expecting to continue at the schools as well as those students looking forward to joining the transition sixth form at the beginning of the academic year. Delay would also have compromised the longitudinal evaluation of the three year pilot project.

Relevant Legislation

The School Standards and Framework Act 1998
Education (School Organisation Proposals) Regulations 1999

ORDER 2

The Haringey Borough Council (Temporary Governing Body) Order 2005 Statutory Instrument 2005 No.3102

Order Made 6 November 2005

The applicant

Haringey London Borough Council

The school to which the Order applies

Haringey Sixth Form Centre
White Hart Lane
Tottenham
London N17

Innovation facilitated

The order permitted Haringey London Borough Council to put in place a new structure for the temporary governing body of the sixth form centre. The innovative arrangement increases the involvement of young people in their own education and takes into account the support the centre is receiving from the local Learning and Skills Council and the College of North East London. Amongst others the revised structure includes four 16 -18 student governors, the principal of the college and a representative from the Learning and Skills Council. To further support the arrangement a formal partnership has been created between the Parents Council and the governing body, to ensure that all views are heard.

It is expected that student motivation and attainment will rise as a result of participation and the involvement of the Learning and Skills Council, business and community representatives, the Principal of the college and the local authority will ensure a cohesive and area-wide provision for education.

Relevant legislation

The New Schools (General) (England) Regulations 2003

ORDER 3

The Nobel School (Change to School Session Times) Order 2006 Statutory Instrument 2006 No.1072

Order made 5 April 2006

The applicant and school to which the Order applies

The governing body of
The Nobel School

Mobbsbury Way
Stevenage
Hertfordshire, SG2 0HS

Innovation facilitated

The order permitted the school to change the timings of the school day without fulfilling the requirements set out in the regulations, which include the requirement that such a change may only take place at the beginning of the academic year. The school re-arranged the school day, without loss of 'taught time', to allow for the early introduction of mentoring sessions, open to all students, to support the development of more personalised learning and support.

Relevant legislation

The Changing of School Times (England) Regulations 1999

ORDER 4

The Monkseaton Community High School (Governing Body Procedures) Order 2006 Statutory Instrument 2006 No.1078

Order made 5 April 2006

The applicant and school to which the Order applies

The governing body of
Monkseaton Community High School
Seatonville Road
Whitley Bay
Tyne and Wear
NE25 9EQ.

Innovation facilitated

The school is working with partners, Microsoft and The Open University, to develop on-line learning for both students and staff and a new 'IT Foundation Degree'. The partners had found it difficult and costly to work under certain parts of the school governance regulations that require governors to be physically present at meetings – a requirement that they and the school considered to be out of step with conventional business practice.

The order enables the governing body to hold meetings otherwise than in accordance with regulations by relaxing the requirement for the physical presence of all governors. The ability to meet and vote virtually, via information and communication technologies has encouraged even greater participation by

present partners and is expected prove attractive to other members of the business community who may consider supporting the management of the school.

Relevant legislation

The School Governance (Procedures) (England) Regulations 2003

ORDERS 5 AND 6 – Order 6 made to revoke Order 5

The Central Leeds Learning Federation (Change to School Session Times) Order 2006 Statutory Instrument 2006 No. 2005

Order made 20 July 2006

The Central Leeds Learning Federation (Change to School Session Times) (Revocation) Order 2006 Statutory Instrument 2006 No. 2142

Order Made 2 August 2006

The Applicant

The governing body of the Central Leeds Learning Federation

The schools to which the Orders apply

The City of Leeds High School
Bedford Field
Woodhouse Cliff
Leeds
West Yorkshire
LS6 2LG

Primrose High School
Hill Street
Leeds
West Yorkshire
LS9 7NL

The Order 5

The order permitted two schools in the federation to vary the start and finish of the schools' days without fulfilling the requirements set out in the regulations, which include giving a minimum of 3 months notice to parents.

The federation wanted to bring the school days of the two schools named on the Order and the primary school that in September 2006 will be sharing a new

building with Primrose High School, into line with each other. The change would have brought an increase in 'taught time' at Primrose High School, to meet national guidelines, and supported the 0-19 'through school' working between this school and the primary school. The federation also plans to deliver some of the curriculum electronically through video conferencing and a common day would have enabled this as well as avoiding the need to physically transport more vulnerable pupils.

The Revoking Order 6

Shortly after the first Order was made officials at the Department for Education and Skills received correspondence from the National Union of Teachers suggesting that teaching staff of the schools had not been properly consulted. Because of the closure of the schools for the summer break union officials were unable to contact members to obtain more information until their return at the beginning of the Autumn term. In the circumstances the first order was revoked pending further clarification.

Relevant legislation

The Changing of the School Session Times (England) Regulations 1999

Use of the Power to Innovate

Since its inception the Power to Innovate has acted as a catalyst in the system, making schools and Local Authorities actively consider what might be the barriers to raising standards for their pupils. In fact they often discover that the Power is rarely needed as the necessary freedoms and flexibilities already exist.

The Department for Education and Skills Innovation Unit provides advice and a central point of contact for schools. It is clear that the existence of the Power has encouraged schools to consider:

- innovative options that they may not previously have contemplated,
- their existing practice and look into and make use of what freedoms and flexibilities they already have.

Two documents have been developed to support applicants. These are entitled "Power to Innovate: Guidance to Applicants" and "Power to Innovate: Application for Order" both of which are available to download from the Innovation Unit's website at

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

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.

In practice not all innovative ideas require an exemption from legislation and the Innovation Unit has been able to explain and promote the flexibilities that exist. To clarify what is possible under the current system, advice on School Freedoms has been placed on the Innovation Unit website.

During this academic year the Innovation Unit dealt with enquiries from schools and local authorities wanting to test a wide range of innovative ideas including:

From schools:

- Making changes to school sessions, for example, to introduce parental consultation or review days.
- School support for home-educated children
- The possibility of Co-headships.

From local authorities:

- Leadership and governance provisions for school federations
- Closer working arrangements between Pupil Referral Units and the schools they serve

This year we have also been receiving applications from local authorities, schools and school federations involving collaboration between schools which, if successful, have the potential for even greater impact.

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