

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 9: Miscellaneous

Section 161 and Schedule 16: Powers to facilitate innovation

635. This section introduces *Schedule 16*.
636. Part 1 of Chapter 1 of the 2002 Act introduced a new power for the Secretary of State, or the National Assembly for Wales, to respond to an application by a qualifying body by making an order conferring an exemption or relaxing requirements, or modifying education legislation, for a period of up to three years. The order enables innovative projects which in the opinion of the Secretary of State or National Assembly for Wales may contribute to raising educational standards achieved in England and Wales.
637. *Paragraph 1* of Part 1 of Schedule 16 has the effect of extending those eligible to apply for an order to include a governing body of a further education institution, a foundation (as defined by section 21(3)(a) of the 1998 Act), including foundations acquired in accordance with the provisions of Part 2 of the Act, and, with the agreement of the relevant school governing body, a headteacher. Paragraph 1(4)(b) adds a technical amendment to describe the qualifying body of an Academy, a city technological college or a city college for the technology of the arts as the proprietor. All other amendments in paragraph 1 are consequent upon these changes.
638. *Paragraph 2(2)* amends section 2 in respect of applications by foundations to allow the order to change law which relates to the governing bodies of the relevant schools.
639. The duration of the power is currently limited to 4 years from commencement (and was commenced in relation to England on October 1st 2002). *Paragraph 2(3)* removes this restriction.
640. *Paragraph 3(3)* requires that a headteacher of a maintained school obtains the consent of the governing body of the school to his application.
641. *Paragraph 3(4)* has the effect of ensuring that a qualifying foundation cannot make an application unless the governing body of each school to which the application relates and the local education authority who maintain the school have been consulted and that, where an application is to be made by the governing body of a maintained school that is a foundation or foundation special school with a foundation, the qualifying foundation has been consulted.