

**EXPLANATORY MEMORANDUM TO
THE MONKSEATON COMMUNITY HIGH SCHOOL (GOVERNING BODY
PROCEDURES) ORDER 2009**

2009 No. 558

1. This explanatory memorandum has been prepared by the Department for Children, Schools, and Families and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

2.1 This Order extends a 2006 Order (SI 2006/1078) which exempts the governing body of Monkseaton Community High School in North Tyneside from certain requirements contained in the School Governance (Procedures) (England) Regulations 2003, as amended. Specifically, the Order relaxes the requirement for all governors to be physically present at governing body meetings, and allows the use of technology such as e-voting and video conferencing when making governing body decisions. The governing body have previously found that this relaxation has helped attract new parent and corporate governors to the school, and has helped ensure all governors can play a full role in the effective management of the school. The 2006 Order was made for a period of three years, and so must be renewed if we wish this innovative practice to continue

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

3.1 None.

4. **Legislative Context**

4.1 The instrument is being made under powers which allow the governing bodies of schools and FE colleges, foundations, head teachers and local authorities to apply to lift regulatory requirements in education legislation for a time-limited period in order to allow the trial of a specific innovative project that has the potential to raise educational standards and to inform future policy and deregulation of the system as a whole.

5. **Territorial Extent and Application**

5.1 This instrument applies to the governing body of Monkseaton Community High School, Seatonville Road, Whitley Bay, Tyne and Wear NE25 9EQ

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 Piloting innovative approaches to effectively governing schools is an important part of the policy direction towards independent, self-governing schools for the 21st Century. Encouraging the engagement of external partners, and helping make things easier for parent governors with child-care responsibilities, allows schools to benefit from the drive and fresh insight into leadership that they can bring. The extension of this project for a further three years will help significantly in assessing how the policy should be developed, and in determining whether a change should be made to the law.

7.2 This Order extends the Monkseaton Community High School (Governing Body Procedures) Order 2006 (SI 2006/1078) which ran for three years to May 2009. The aim of the school's proposal is to continue to encourage greater participation by the whole of the school's governing body in all governing body procedures and decisions, and to make being a school governor a more attractive proposition for a wider range of people. Allowing greater flexibility over physical presence at meetings helps those governors and potential governors who may have family or business commitments that may make travelling to meetings difficult.

8. Consultation outcome

8.1 The bulk of consultation on the issues concerned was carried out in advance of the original Order. In late 2005 the governing body of Monkseaton Community High School carried out a two month consultation with the (then) current governing body, the local authority, various staff bodies, parents and pupils. This included face-to-face meetings, and written communication. As the school was considering acquiring Trust status at the time, the governing body also consulted with potential Trust partners (ie external organisations who were interested at the time in creating formal links with the school). No group, organisation, or individual raised opposition or objections to the proposals.

8.2 For this extension, the governing body have repeated this consultation, seeking the views once again of its own members, the school's Trust, the local authority, school staff (including representative professional associations), parents, and students. Once again, there was overwhelming support for the proposal, and no objections were received.

8.3 The school also consulted policy officials at the DCSF, who were content to see the current trial extended so that its effectiveness might be better evaluated. The Special Educational Needs Consortium has not been consulted on this proposal as there are no specific implications for the education of children with special needs.

9. Guidance

9.1 Guidance is provided to applicants seeking a Power to Innovate Order which sets out the requirements for project review and analysis, evaluation, and plans for reverting to existing practice at the end of the project if more permanent changes have not been introduced.

10. Impact

10.1 No impact on business, charities, or voluntary bodies is foreseen.

10.2 No impact on the public sector is foreseen..

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Power to Innovate projects are closely monitored to assess their impact on educational standards. Applications must include the measures to be used to monitor the effects of projects, and must include a broad description of the evaluation strategy. A final evaluation report is required to be submitted to the DCSF when the project ends, and where the project outcomes show a positive impact on standards, the Department will consider whether it would be desirable for a policy perspective to change education law. DCSF publishes an annual report on the Power to Innovate Orders made in each academic year.

12.2 The governing body of Monkseaton Community High School will employ the same monitoring arrangements for this proposal as were previously applied in relation to the 2006 instrument (SI 2006/1078). That is they will use various data sources including the Department's self-assessment tools for schools to link connections between new members of the governing body or new organisations linked to the school and pupil outcomes. The governing body will also use electronic surveys and interviews with the governing body and staff to assess the benefits for the school, parents, and pupils.

12.3 The governing body have already reported that the relaxation has helped attract new parent and corporate governors, and that these new governors have had an impact on standards. In particular, the closer links with universities have allowed the school to offer degree modules to existing pupils, and Microsoft's assistance has seen dramatic improvements in the number of children gaining GCSEs in ICT. As part of the ongoing review of the impact of the extension, the governing body of Monkseaton Community High School will also look to demonstrate further development of these particular positive outcomes.

13. Contact

David Shand at the Department for Children, Schools, and Families Tel: 020 7340 8271 or email: david.shand@dcsf.gsi.gov.uk