

*These notes refer to the Education Act 2002 (c.32)
which received Royal Assent on 24 July 2002*

EDUCATION ACT 2002

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

Territorial Coverage

Part 1: Provision for New Legal Frameworks

6. This Part makes provision for new legal frameworks in order to support innovation and new forms of service delivery.

Chapter 1 of Part 1: Powers to facilitate innovation

7. This Chapter introduces a new power for the Secretary of State, or the NAW in Wales, to respond to an application by a qualifying body by issuing an order suspending or modifying legislation for a period of up to 3 years. The power is intended to enable innovative pilot projects to take place and may by order be either extended in time, provided that in total no such project lasts for more than 6 years, or be terminated. The powers set out in this Chapter will last for 4 years.

Chapter 2 of Part 1: Exemptions related to school performance

8. These provisions will allow, subject to regulations, greater autonomy for governing bodies of qualifying schools over certain elements of teachers' pay and conditions and the national curriculum. The criteria to define qualifying schools, and the specific areas where greater flexibility will be permitted, including which flexibilities will apply by right and which by discretion, will be set out in regulations.

Chapter 3 of Part 1: Powers to form companies etc.

9. This Chapter enables the implementation of proposals outlined in the policy paper "The Role of the Local Education Authority in School Education" for new models of service delivery. It provides that a school may become a member of a company for the purposes of purchasing goods and providing services for schools and to exercise functions of an LEA, where the LEA chooses to contract them out pursuant to an order under the Deregulation and Contracting Out Act 1994. It also enables the Secretary of State to form or participate in forming companies for purposes connected with her functions relating to education.