

**EXPLANATORY MEMORANDUM TO THE**  
**COVENTRY CITY COUNCIL AND THE NORTH WEST FEDERATION OF SCHOOLS**  
**(INTERNATIONAL GENERAL CERTIFICATE OF SECONDARY EDUCATION)**  
**ORDER 2005**

**2005 No. 1739**

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 This Order exempts Coventry City Council, in its capacity as local education authority, and Sidney Stringer School – Specialising in Mathematics and Computing, Barr’s Hill School & Community College and President Kennedy School & Community College from the requirement in section 96 of the Learning and Skills Act 2000 that the International General Certificate of Secondary Education in English (“the IGCSE”) be approved under section 98 of that Act in order that it can be funded and provided at the schools.

The exemption set out in the Order will have effect until [July 2008].

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

3.1 None

4. **Legislative Background**

4.1 The Order is made under section 2 of Chapter 1 (sections 1 to 5) of the Education Act 2002. The purpose of Chapter 1 of that Act is to facilitate the implementation of innovative projects that may (in the opinion of the Secretary of State) contribute to the raising of educational standards. Specifically, section 2 gives the Secretary of State the power, upon the application of one or more qualifying bodies, to suspend (and make consequential modifications to) particular provisions of education legislation in order to further such innovative projects. Orders made under s. 2 have effect for the period specified in the order, which cannot exceed 3 years.

4.2 Section 96 of the Learning and Skills Act 2000 applies to a course of education or training (i) which is provided (or proposed to be provided) by or on behalf of a school or institution of employer, (ii) which leads to an external qualification and (iii) which is provided (or proposed to be provided) to for pupils who are of compulsory school age or for pupils who are above that age but have not attained the age of 19. Section 96(2) provides that such a course of education or training cannot be (a) funded by an authorised body or (b) provided on or behalf of a maintained school, unless such course has been approved under section 98 of the Act. Section 96(3) of the Act places a duty upon the local education authority and the governing body to carry out their functions with a view to securing that section 96(2)(b) is not contravened (i.e. that an unapproved course is not

provided on or behalf of a maintained school). The IGCSE is an external qualification for the purposes of section 96 of the Act.

## **5. Extent**

5.1 This instrument applies to the schools listed in Annex A (which together comprise the “North West Federation of Schools”) and to Coventry City Council in its capacity as Local Education Authority.

## **6. European Convention on Human Rights**

Not applicable.

## **7. Policy background**

7.1 The Power to Innovate (“the Power”) provides the Governing Body of schools, LEAs, the proprietors of certain special schools and Education Action Forums with an opportunity to apply to the Secretary of State to lift regulatory requirements in education legislation for a time-limited period (by means of a Power to Innovate Order), so they can trial a specific innovative project that has the potential to raise educational standards. The Power is the result of concerns that innovative ideas can be unintentionally thwarted by detailed regulations and legislation. It is intended to facilitate the implementation of these ideas and to ensure that no opportunity is lost to trial innovative proposals that could raise standards. It is intended that the lessons learned will be used for further deregulation for the system as a whole.

7.2 IGCSEs were designed primarily as qualifications for overseas candidates. They have been taken up by some schools in the independent sector. Although being recognised as a GCSE English equivalent by UCAS the IGCSE English has not been accredited by the QCA and, unlike other GCSEs, is not aligned to the National Curriculum programme of study. It is anticipated that the IGCSE English would give able students who have recently arrived from a non-English speaking country, and who need to develop English language skills, the opportunity for their achievement to be recognised. The target students are of high ability and have the potential to progress to higher education. It is also expected that other groups of students will benefit indirectly from the innovation. Teachers will be able to give them more personalised support if the target group were redirected to more appropriate courses of study.

7.3 Before making an application under the power to innovate provisions of the Education Act 2002, applicants must consult such persons as appear to them to be appropriate and, in particular, governing bodies must consult the Local Education Authority. In this case, the applicants consulted the North West Federation of Schools’ 14-19 Steering Group, who supported the application. Further, consultation will take place with students, teachers and parents with regard to individual suitability for the IGCSE course.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

9.1 Penny Baker at the Department for Education & Skills Tel: 020 7925 6099 or e-mail: penny.baker@dfes.gsi.gov.uk can answer any queries regarding the instrument.

## **Annex A**

### **SCHOOLS TO WHICH THE ORDER APPLIES:**

Sidney Stringer School – Specialising in Mathematics and Computing,  
Cox Street,  
Coventry, CV1 5NL.  
DfES Number: 331/4038

Barr's Hill School and Community College,  
Radford Road,  
Coventry, CV1 3BU.  
DfES Number 331/4000

President Kennedy School and Community College,  
Rookery Lane,  
Coventry, CV6 4GL.  
DfES Number 331/4034