

**EXPLANATORY MEMORANDUM TO**  
**THE HARINGEY SIXTH FORM CENTRE (GOVERNING BODY) ORDER 2007**

**2007 No. 2741**

**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. Description**

2.1 This Order is made under section 2 of the Education Act 2002. Article 2 exempts the Haringey Sixth Form Centre from having to fulfil the statutory requirements as to the composition of the governing body of the new Centre. Article 3 specifies that the Order shall have effect until 31st August 2010.

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

3.1 In accordance with section 34(7) of the Education Act 2002, from the school opening date the temporary governing body is treated as if it is the permanent governing body for the purposes of the Education Acts. Therefore this Order is made on the application of the temporary governing body which is a “qualifying body” in section 1(3) of the Education Act 2002 by virtue of section 34(7).

**4. Legislative Background**

4.1 The Order is made under section 2 of the Education Act 2002. Chapter 1 of Part 1 of that Act was amended by Schedule 16 to the Education and Inspections Act 2006. The purpose of Chapter 1 of that Act (which includes section 2) 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, or to relax the requirements of such legislation, in order to further such innovative projects. Orders made under section 2 have effect for the period specified in the order, which cannot exceed 3 years. Section 3(2) allows the Secretary of State, on one occasion only, to extend the period for which an order has effect by a period of not more than three years.

4.2 The order exempts the governing body of the Centre from complying with the requirements in regulations 12(3)(e) and (f), 13, 30(2) and paragraph 1 of Schedule 6 to the School Governance (Constitution) (England) Regulations 2007 (SI 2007/957).

**5. Territorial Extent and Application**

5.1 This instrument applies to the Governing Body, Haringey Sixth Form Centre, White Hart Lane, London, N17 8HR.

## **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 The power to innovate (“the Power”) provides schools, local authorities, further education colleges and foundations with the 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 lessons learned will be used for further deregulation for the system as a whole.

7.2 Haringey LA, in co-operation with local partners and the local Learning and Skills Council has established a new 16-19 Sixth Form Centre as a community school in accordance with the maintained schools organisation provisions. The temporary Governing Body is seeking an alternative governance composition for the permanent Governing Body of the Centre and wishes to be exempted from the statutory requirements as to the composition of the new governing body.

7.3 These exemptions would remove the requirement for one third of the governing body to be parent governors and for one fifth to be LA Governors. It will also lift the prohibition on pupils and those under the age of 18 from being governors and voting on the governing body. This will enable the creation of three places on the governing body for elected students aged 16-18 which the Centre considers to be more appropriate for a post 16 institution. The new governing body would comprise of three each of parents, students, staff and LA representatives, and six community governors and two sponsor governors. A formalised partnership is proposed with a Parent Council to ensure that parent’s views are heard.

7.4 The creation of student governors will act to increase student voice and motivation across the Centre. Students will feel that their opinion is both valued and carries power through involving them in the decision making and corporate responsibility of the Sixth Form Centre and it could be the first step in building an ethos of a more participative and personalised learning culture for the college. Students will develop valuable citizenship skills and have input to on-going curriculum development and the provision of specialist facilities within the Sixth Form Centre. The Centre will not permit under-18 year old students to vote on finance, admissions, pupil discipline, head teacher appraisal or other contractual matters.

7.5 These proposals will help to ensure the success of the new Sixth Form Centre in delivering effective teaching and learning. By empowering students directly to take part in the governance of the Centre, it is expected that student participation and

attainment will all rise. The involvement of the LSCLN, Haringey LA, and business and community representatives will support a cohesive and area-wide education provision. This will have positive effects not only for the students, but for the wider community and will serve to speed up regeneration of the east of the borough of Haringey.

7.6 At least one of the proposed student governor places will be expected to be taken up by students with Special Educational Needs. Acting as a student governor will be particularly valuable in developing self-advocacy skills and would be of particular benefit to students with learning difficulties and disabilities. At the same time, inclusion of students with special needs within the governance structure will help to ensure that the development of the institution will be well informed as to the needs of the broadest spectrum of students. The inclusion of a special school representative as a community governor will further strengthen this influence.

## **8. Impact**

8.1 A full Impact Assessment has not been carried out in this case. The geographic coverage of the order is local, and it is not intended to have an effect across the whole sector. An initial assessment has indicated that the impact of the changes in terms of costs and benefits will be negligible for the sector as a whole. Any future changes in policy to encompass the entire sector will be accompanied by a full Impact Assessment.

## **9. Contact**

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