

Department for Children, Schools and Families

Powers to Facilitate Innovation  
Annual Report  
For the Academic Year ending  
31 July 2008

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For the Academic Year ending  
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Presented to Parliament by the Secretary of State for Children, Schools, and Families pursuant to section 5(1)(b) of the Education Act 2002.

February 2009

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## **Report Number 6**

### **Background**

1. Section 5 of the Education Act 2002 sets out the requirement for the Secretary of State to prepare a report on all the orders made by him under section 2 of the Act in that academic year and to lay a copy of the report before each House of Parliament.
2. The purpose of the “power to innovate” (“Pti”) is to facilitate the implementation of innovative projects that may contribute to the raising of educational standards, by allowing the Secretary of State to make orders under section 2 to exempt applicants from education law requirements. The Power was commenced on 1 October 2002, with a four year lifespan. However, in the Education and Inspections Act 2006 the power was extended by removing these time-limiting provisions.
3. The Pti remains an important part of the Government’s initiative to use innovation to drive up educational standards. Schools and local authorities have used it to support their work, for example, by enabling ‘virtual’ meetings of school governing bodies, encouraging student participation in the management of a sixth form centre, and by extending the age range of certain schools to give disadvantaged students the opportunity of an extra year in a familiar setting to gain the skills needed to further education or training.

### **Use of the Power to Innovate**

4. Since its inception the Power to Innovate has acted to make schools and local authorities consider what the barriers might be to raising standards for their pupils. In fact, not all innovative ideas require an exemption from legislation, and applicants often discover that the necessary freedoms and flexibilities already exist.
5. The Department provides advice and a central point of contact for schools. It is clear that the existence of the Power has encouraged schools to consider innovative options that they may not previously have contemplated, as well as re-examine their existing practices and make use of what freedoms and flexibilities they already have.
6. Two documents have been developed to support applicants. These are entitled “Power to Innovate: Guidance to Applicants” and “Power to Innovate: Application for Order”, both of which are available to download from

<http://www.teachernet.gov.uk/management/pti>

7. The guidance informs potential applicants of the process and the criteria they should take into account when applying. It reinforces the need for applicants to demonstrate:

- how their proposal contributes to the raising of educational standards;
- that their proposal has regard to the need for the school to have a balanced and broadly based curriculum;
- that they have considered the likely effect their proposal would have on all children who may be affected by it;
- that the proposed Order would not have a detrimental effect on pupils with Special Educational Needs; and
- that they have undertaken appropriate consultation.

8. During the 2007-2008 academic year, the Department has dealt with enquires from schools and local authorities wanting to test a range of innovative ideas, including:

- Governance and leadership of school federations and joint-working arrangements
- Curriculum development and flexibilities
- Admission of pupils to special schools
- Changes to the length and structure of the school day

#### Orders made under the Power

8. The table below sets out the number of Ptl Orders made in each academic year, and the number of schools to which those orders applied. This report covers the academic year 2007-2008 in which there were five orders affecting five schools, and these are also described below.

<b>Academic Year</b>	<b>Orders made</b>	<b>Schools affected</b>
2002-2003	3	3
2003-2004	5	100
2004-2005	5	73
2005-2006	5	9
2006-2007	6	14
2007-2008	5	5
<b>Total</b>	<b>29</b>	<b>204</b>

#### Orders made under the Power in 2007-2008

##### **ORDER 1**

##### **The New Woodlands School Order 2007 Statutory Instrument 2007 No.2599**

Order made 26 August 2007

##### **The applicant**

London Borough of Lewisham

### **The school to which the Order applies**

New Woodlands School  
49 Shroffold Road  
Downham  
Bromley  
Kent BR1 5PD

### **Innovation facilitated**

The order allowed the school and local authority to admit pupils without statements of special educational needs to a maintained special school for a limited period. It is expected that admission of pupils without a statement of SEN will allow the local authority to create a flexible service that will both build capacity and provide supportive, short-term, programmes designed to improve behaviour and address the underlying learning needed of particular pupils. This is expected to reduce the number of permanent exclusions, as well as improving attainment for the pupils concerned.

### **Relevant legislation**

The Education Act 1996  
The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001  
The Education (Pupil Registration) (England) Regulations 2006

### **ORDER 2**

#### **The Haringey Sixth Form Centre (Governing Body) Order 2007 Statutory Instrument 2007 No. 2741**

Order made 16 September 2007

### **The applicant**

The governing body of Haringey Sixth Form Centre

### **The school to which the Order applies**

Haringey Sixth Form Centre  
White Hart Lane  
Tottenham  
London N17 8HR

### **Innovation facilitated**

The Order permitted Haringey Sixth Form Centre to put in place a new structure for the governing body of the centre which is outside the model set out in regulations. The innovative arrangement increases the involvement of young people in their own education and takes account of the support the

centre is receiving from education partners in the area.

The structure includes 16-18 student governors, and it is expected that student motivation and attainment will rise as a result of participation, and the involvement of key education partners will ensure a cohesive and area-wide provision for education.

The Order follows an earlier Order made in 2005 facilitating a similar innovation which applied to the Centre's temporary governing body (The Haringey Borough Council (Temporary Governing Body) Order 2005. SI 2005 No. 3102).

### **Relevant legislation**

The School Governance (Constitution)(England) Regulations 2007

### **ORDER 3**

#### **The Castle Hill Primary School (Change to School Session Times) Order 2007 Statutory Instrument 2007 No.2877**

Order made 29 September 2007

### **The applicant**

The governing body of Castle Hill Primary School

### **The school to which the Order applies**

Castle Hill Primary School  
Buckland Road  
Chessington  
Surrey KT9 1SE

### **Innovation Facilitated**

The Order allowed the governing body of Castle Hill Primary School to make changes to school session times for Year 3 pupils, to take effect for one year after the half-term break, by exempting them from the requirement to set school start and finish times 3 months before implementation.

The school opened in September 2007 following an amalgamation of two schools, and will operate on two sites until arrangements can be made to bring all of the school into one site. The changes to school times allowed the school to cover the session requirements for the Key Stage (KS) 2 curriculum and address the dip in achievement experienced over a number of years between the end of KS1 and beginning of KS2. It also enabled parents to deliver and collect children from both sites in a manageable way.

### **Relevant legislation**

The Changing of School Session Times (England) Regulations 1999.

### **ORDER 4**

#### **The Toot Hill School (School Day and School Year Regulations) Order 2007**

#### **Statutory Instrument 2007 No. 2921**

Order made 8<sup>th</sup> October 2007

### **The applicant**

The governing body of Toot Hill School

### **The school to which the Order applies**

Toot Hill School  
The Banks  
Bingham  
Nottingham  
Nottinghamshire NG13 8BL

### **Innovation Facilitated**

The Order allowed for an additional non-teaching day for school staff in each of 3 academic years from 2007-8, reducing the number of sessions from 380 to 378. This additional non-teaching day was required to help staff with a substantial reshaping of the school aimed at changing custom and practice in order to raise achievement over the next three to five years. The reshaping would enable pupils to experience a more consistent curriculum from KS2 to KS3 and KS4, with particular emphasis on English and Mathematics.

Although the additional non-teaching day represented a loss of two teaching sessions per year, there was actually a net yearly gain over the previously set school session times, due to the increase in the number of hours learning time a week from 25 hours to 28.5.

### **Relevant legislation**

The Education (School Day and School Year) (England) Regulations 1999.

### **ORDER 5**

#### **The Harbour School Order 2007**

#### **Statutory Instrument 2007 No. 3205**

Order made 11<sup>th</sup> November 2007

**The applicant**

Portsmouth City Council

**The school to which the Order applies**

The Harbour School  
151 Locksway Road  
Milton  
Portsmouth  
Hampshire PO4 8LD

**Innovation facilitated**

The order allowed the school and local authority to admit pupils without statements of special educational needs to a maintained special school for a limited period. It is expected that admission of pupils without a statement of SEN will allow the local authority to create a flexible service that will both build capacity and provide supportive, short-term, programmes designed to improve behaviour and address the underlying learning needed of particular pupils. This is expected to reduce the number of permanent exclusions, as well as improving attainment for the pupils concerned.

**Relevant legislation**

The Education Act 1996  
The Education (Special Educational Needs) (England) (Consolidation)  
Regulations 2001  
The Education (Pupil Registration) (England) Regulations 2006



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