

EXPLANATORY MEMORANDUM TO THE

The New Relationship with Schools (Governors' Annual Report) (No 2) Order 2004

2004 No. 2810

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

- 2. Description**

This Order suspends the requirement for the governing bodies of certain schools (listed in the schedule to the Order) to publish a governors' annual report. The Order also provides for the suspension and modification of certain other provisions, as they apply to the governing bodies of those schools, consequential upon the suspension of the obligation to publish the annual report. The suspensions and modifications set out in the Order will have effect until 1 September 2005.

- 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 30(1) of the Education Act 2002 requires the governing body of every maintained school in England to prepare a governors' report ("the governors' annual report") once in every school year. Regulations treated as being in force under s. 30(2) (the Education (Governors' Annual Report) (England) Regulations 1999/2157 (as amended)) prescribe the content and manner of publication of the governors' annual report. There are a number of

other references to the governors' annual report in education legislation which require the governing body to include certain additional information in their report (i.e. in addition to the information required by the Education (Governors' Annual Report) (England) Regulations).

5. Extent

5.1 This instrument applies to all the schools in **Annex A**

6. European Convention on Human Rights

The Minister of State for School Standards, David Miliband has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of The New Relationship with Schools (Governor's Annual report) (No 2) Order 2004 No. [XXXX] are compatible with the Convention rights.

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 It is proposed to repeal the requirement for governing bodies of schools in England to prepare the governors' annual report (as required by s. 30 of the Education Act 2002) in the forthcoming bill and to replace it with the "school Profile". The school Profile is intended to be less burdensome for schools to prepare than the governors' annual report and also it will be a more efficient way of getting information to parents and other interested parties. As part of the New Relationship with Schools trials, we have asked the trial schools to produce a school Profile in place of their annual report in order to test the format and concept of the Profile. An important part of the New Relationship with Schools is reducing burdens on schools in order to raise educational standards, so the Power is to be used to allow the trial schools to produce a Profile without having to also produce their annual report during the trial year.

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

Deryn Harvey at the Department for Education & Skills Tel: 020 7925 5972 or e-mail: Deryn.harvey@dfes.gsi.gov.uk can answer any queries regarding the instrument.

Annex A

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