

**EXPLANATORY MEMORANDUM TO**  
**THE CASTLE HILL PRIMARY SCHOOL (CHANGE TO SCHOOL SESSION TIMES)**  
**ORDER 2007**

**2007 No. 2877**

**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 provides that the Changing of School Session Times (England) Regulations 1999 do not apply to the governing body of the Castle Hill Primary school. Article 3 specifies that the Order shall have effect until 30th November 2007.

**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 the Education Act 2002. Chapter 1 of Part 1 (which includes section 2) of that Act is amended by Schedule 16 to the Education and Inspections Act 2006. 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, 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 suspends the Changing of School Session Times (England) Regulations 1999 (SI 1999/2733). The start and finish times for school sessions are decided by the governing body of each school. However, these regulations provide that no change in the times of the beginning or end of a school day shall be made so as to take effect otherwise than at the beginning of a school year and also require that the local authority and parents be given at least three months notification of a change.

**5. Territorial Extent and Application**

5.1 This instrument applies to the governing body of Castle Hill Primary School, Buckland Road, Chessington, Surrey, KT9 2HE.

## **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 This Order will allow the school to change the timings of the school day otherwise than at the beginning of the school year and to reduce the notification period. The school opened in September 2007 following an amalgamation of two schools. For the first year the school will remain on two sites (a Lower School and an Upper School) until arrangements can be made to bring all of the school onto one site. The Governing Body wants to change the timing of the school day for Year 3 pupils who will stay at the site of the original infant school (the Lower School) rather than transfer to the Upper School. This will allow the school to cover the session requirements for the Key Stage 2 (KS2) curriculum and also enable parents to deliver and collect children from both sites in a manageable way.

7.3 Additionally this arrangement will address the dip in achievement experienced over a number of years between the end of KS1 and beginning of KS2. Because the Year 3 pupils would remain on the lower school site there is no loss of teaching time that would normally occur if they moved to the upper school, where they would need to get to know the new building, new staff and routines. The Year 3 teachers will be able to continue, from the first day, the targets set for the children by in the summer and will be able to liaise closely with Year 2 teachers to ensure the children continue to make progress. A Senior Leadership Team member, who is non-class based, will also oversee the work of Year 3 to ensure the pace of learning is maintained and that the dip that has occurred in the past between Year 2 and Year 3 does not take place.

7.4 Particular benefits would be provided to pupils with Special Educational Needs (SEN) due to there being less change and more continuity in terms of their environment, liaison between staff, and understanding and meeting of pupils’ needs.

7.5 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. All stakeholders have been consulted, including the Local Authority, the leadership team

and staff. All parties were supportive of the proposals. Consultation with parents was through a well attended Year 3 parents meeting. Concerns about timings were expressed by two parents, one about mornings and one about afternoons. However they were reassured by there being suitable supervision by teachers at both ends of the day to keep those pupils safe in school.

7.6 The Secretary of State has not consulted Her Majesty's Chief Inspector of Education, Children's Services and Skills before making this Order because, in accordance with section 2(3) of the Education Act 2002, he did not consider appropriate to do so.

## **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**

9.1 Gary Fincham at the Department for Children, Schools and Families, Tel: 020 7925 5354 or e-mail: [gary.fincham@dcsh.gov.uk](mailto:gary.fincham@dcsh.gov.uk) can answer any queries regarding the instrument.