

**EXPLANATORY MEMORANDUM TO**  
**THE TOOT HILL SCHOOL (SCHOOL DAY AND SCHOOL YEAR REGULATIONS)**  
**ORDER 2007**

**2007 No. 2921**

**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.

2.2 Article 2 relaxes the requirement in regulation 3(2) of the Education (School Day and School Year) (England) Regulations 1999 for Toot Hill School to have 380 school sessions per academic year.

2.3 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 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 as amended by 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 Regulation 3(2) of the Education (School Day and School Year) (England) Regulations 1999 requires maintained schools to have 380 school sessions per academic year. Article 2 of the Order relaxes this requirement and provides for the governing body of Toot Hill School to have 378 school sessions in the academic years 2007-2008, 2008-2009 and 2009-2010.

**5. Territorial Extent and Application**

5.1 This instrument applies to Toot Hill School, The Banks, Bingham, Nottingham, NG13 8BL.

## **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 Toot Hill is community secondary school which over the last five years has raised its achievement at key stage 4 from 51% (5+A\*-C) to 70% in 2006, with 56% 5+A\*- including English and mathematics. They are undertaking a re-shaping of the school under the umbrella title of “New Directions”. This agenda aims to change custom and practice in order to raise achievement further over the next three to five years with a target of 80% (5+A\*-C) with 70% (5+A\*-C including English and mathematics)

7.3 The “New Directions” changes will enable pupils to experience a more consistent curriculum from Key Stage 2 to Key Stage 3 & 4. The changes allow for more core subject time which will raise learning standards through constructing more personalised learning programmes from key stage 2 through to key stage 4 (GCSE). The new curriculum design has been constructed to ensure that at key stage 3, through to key stage 4, each pupil receives five lessons per week in English and Mathematics. This will help maintain the momentum from Key Stage 2 and aim to prevent any ‘dip’ in achievement at Key Stage 3.

7.4 Regulations require that at least 380 sessions shall be held at a school during any school year. The Order will allow for an additional INSET day for school staff in each academic year for 3 years to help facilitate a re-shaping of the school which will increase the length of the learning week and introduce a new tiering structure based on the learning experiences and ability of the individual pupil. Although the additional INSET days represent a loss of two sessions per year, there would be 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 twenty five hours to twenty eight and a half hours. The new structure will enable a more personalised learning curriculum at the school.

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. Staff, parents and pupils, the LA and the family of feeder schools have been consulted and endorse the plans for the re-shaping of the school. Staff raised concerns about the planning workload which the additional INSET days would address. A few parents had

concerns about the impact of the changed timetable on availability of school transport and the early finish on a Friday on childcare arrangements. The school have responded by agreeing revised transport arrangements with the local authority's School Transport Department and are holding 'extended schools' sessions on a Friday for parents and students who require it

## **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**

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