

**EXPLANATORY MEMORANDUM TO  
THE LEEDS CITY COLLEGE (INCORPORATION) ORDER 2008**

**2008 No. 3083**

**THE LEEDS CITY COLLEGE (GOVERNMENT) REGULATIONS 2008**

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1. This explanatory memorandum has been prepared by the Department for Innovation, Universities and Skills and is laid before Parliament by Command of Her Majesty.

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

2. **Purpose of the instrument**

- 2.1 The Order establishes a new further education corporation to be known as Leeds City College and comes into force on 1st January 2009. The Regulations provide for the governance of the new corporation and come into force on the same day.

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

- 3.1 In its 29th report of Session 2007-08, dated 3 November 2008 (the report), the Joint Committee on Statutory Instruments stated that it was content with the survival of clause 7(5) of the Instrument of Government in Schedule 1 to the Regulations there reported, and reported this clause as calling for elucidation, largely but not wholly provided in the Department's memorandum.
- 3.2 The Department has included this provision in response to a request by a significant number of further education colleges. A consultation on the Instrument of Articles of Government for Further Education Colleges was conducted in 2006 and involved all further education colleges. The response from the stakeholders requested the fact that a clerk can also be employed as a member of the corporation's staff in a role other than the clerk should be expressly stated in the instrument. This point has previously been a regular query for clarification from further education colleges and clerks. The Department wishes to make the Regulations as clear as possible without the need for extra guidance.

#### **4. Legislative Context**

- 4.1 Sections 16(1) and 17 of the Further and Higher Education Act 1992 give the Secretary of State the power to incorporate a further education corporation to establish and conduct a further education college.
- 4.2 Sections 20(2), 21(1) and (2) of, and Schedule 4 to, the Further and Higher Education Act 1992 give the Secretary of State the power to prescribe the Instrument and Articles of Government for a further education corporation.

#### **5. Territorial Extent and Application**

- 5.1 These instruments apply to England.
- 5.2 These instruments apply only to the named further education corporation.

#### **6. European Convention on Human Rights**

- 6.1 As both instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

#### **7. Policy background**

- 7.1 The Further Education system has a key contribution to wider economic and social goals through its development of the skills and talents of young people and adults.
- 7.2 To respond to future challenges, further education colleges are being encouraged to innovate and collaborate. As part of this colleges are also being asked to consider their business models, to ensure that they reflect and can respond to the new operating environment.
- 7.2 The proposal to reorganise further education provision in Leeds follows a number of reviews of the current arrangements in the city. The reviews identified that there has been duplication of further education provision with some districts having a surplus of provision and others having no access to post-16 learning. As a result it has been agreed that a merger of three of the FE corporations in Leeds will substantially improve the capacity to meet the education and training needs in the city.
- 7.3 This merger will be achieved by the incorporation of a new college, Leeds City College and the dissolution of each of the existing three FE corporations and the transfer of the property, rights, and liabilities of

each corporation to the Corporation of Leeds City College. There has been considerable local interest in this merger.

## **8. Consultation outcome**

- 8.1 In accordance with section 51 of the Further and Higher Education Act 1992 and The Education (Publication of Draft Proposals and Orders) (Further Education Corporations) (England) Regulations 2001 (SI 2001/782) there has been a full public consultation on this proposal.
- 8.2 Thirty responses were received in respect of the proposal, from local businesses and educational establishments; of these, twenty-three were in support of the proposed merger; six gave general support to the proposal but raised a few specific concerns. One response opposed the merger on the grounds that it would centralise educational provision in Leeds and the model for delivery would not work.

## **9. Guidance**

- 9.1 As these instruments affect only the named college, no guidance is necessary and any persons affected by the change will be informed by the college.

## **10. Impact**

- 10.1 The impact on business, charities or voluntary bodies is none.
- 10.2 The impact on the public sector is none.
- 10.3 An Impact Assessment has not been prepared for these instruments.

## **11. Regulating small business**

- 11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

- 12.1 Not applicable

## **13. Contact**

Vickie Wood at the Department for Innovation, Universities and Skills Tel: 0114 259 3824 or email: [vickie.wood@dius.gsi.gov.uk](mailto:vickie.wood@dius.gsi.gov.uk) can answer any queries regarding these instruments.