

EXPLANATORY MEMORANDUM TO
THE NEW WOODLANDS SCHOOL (AMENDMENT) ORDER 2010

2010 No. 2196

1. This explanatory memorandum has been prepared by the Department for Education (DfE) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order is made under sections 2 and 3 of the Education Act 2002. It amends the New Woodlands School Order 2007 (SI 2007/2599) (“the 2007 Order”) to provide that the 2007 Order is extended by a period of three years until the 30 September 2013.

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

3.1 None.

4. Legislative Context

4.1 The 2007 Order was made under section 2 of Chapter 1 of Part 1 of the Education Act 2002 as amended by the Education and Inspections Act 2006 and by the Education Act 2006 (Powers to Facilitate Innovation – more commonly known as “power to innovate”) The purpose of Chapter 1 of the Education Act 2002 is to facilitate the implementation of innovative projects which may (in the opinion of the Secretary of State) contribute to the raising of educational standards in England and Wales. This Order relates to a school in England. Section 2 gives the Secretary of State the power, on the application of one or more qualifying bodies, to exempt particular provisions of education legislation, or to relax the requirements of, or to make modifications to such provisions 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 Explanatory Memorandum to the 2007 Order sets out in full detail its legislative effect. A copy of it is attached for ease of reference.

4.3 This Order provides that the 2007 Order is extended for a period of three years so that instead of having effect until 30 September 2010, the 2007 Order has effect until 30 September 2013.

5. Territorial Extent and Application

5.1 This instrument applies to the governing body of New Woodlands School, 49 Shroffold Road, Downham, Bromley BR1 5PD and to the London Borough of Lewisham, Laurence House, 1 Catford Road, London SE6 4SW.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 The power to innovate was introduced in the Education Act 2002 . On the application of one or more qualifying bodies (which includes the governing body of a maintained school, head teachers of maintained schools, a qualifying foundation, proprietors of Academies, and local authorities) the Secretary of State may make an order exempting, relaxing or modifying education legislation or enabling the applicant to exercise the educational functions of any other qualifying body, for a period of up to three years to allow the testing of an innovative idea. Orders can also be varied (including in relation to their duration) and they can be extended once for a period of up to an additional three years.

7.2 New Woodlands is a maintained special school. Pupils are from a range of ethnic backgrounds, the most predominant being Black British and Black Caribbean. The 2007 Order essentially allowed the school to admit pupils without a statement for up to 12 months and review that placement annually, rather than termly. The school also provides an outreach service to 12 secondary and 73 primary schools for pupils who have behavioural, emotional, and social difficulties (BESD). The 2009 Ofsted report judged the overall effectiveness of the school to be 'outstanding'.

7.3 Since the 2007 Order came into force, it has allowed the School to provide flexible and targeted short-term programmes which have addressed the needs of pupils with challenging behaviour or underlying learning needs. In 2008-09 only 20 of the 112 pupils on the role had a statement. Evidence provided by the governing body of the School shows that the number of fixed term and permanent exclusions from mainstream schools in the Borough has reduced, and there has been improved attainment of pupils, including statemented pupils, whilst at the School and on their return to mainstream school.

7.4 The progress of pupils in the Borough who are receiving support is reviewed by the School each half term. In cases where pupils are not making progress and/or where behaviour is so extreme as to cause undue difficulties for a mainstream school, the headteacher and Inclusion Manager at New Woodlands School meet with pupils, parents and relevant head teachers to ensure only those appropriate pupils are admitted into the School.

7.5 By extending the 2007 Order which expires on 30th September 2010 after being in force for three years, this Order allows the School and the authority to continue its innovative work in supporting children with challenging behaviour across the authority. It also helps significantly with assessing how government policy may be developed and in the consideration of whether changes should be made to the law to allow other schools to operate in this way. The Secretary of State is satisfied that

enabling the project to continue for a further three years has the potential to contribute to the raising of educational standards.

- ***Consolidation***

7.6 This is an amending Order and consolidation is not appropriate.

8. Consultation outcome

8.1 Consultation took place with governors, staff and parents of the pupils at The New Woodlands School and with the London Borough of Lewisham and head teachers of the primary and secondary mainstream schools in the Borough. Consultation has been positively received. All parties are supportive of extending the time period of the 2007 Order in view of the impact it has had on reducing requests for statutory assessment, the reduction on permanent exclusions and the successful rise in integration. In addition, informal consultation and evaluation of placements with parents, pupils and mainstream schools has taken place. Consultation on the issues raised by the original application was carried out in advance of the original Order.

9. Guidance

9.1 Guidance is provided to applicants who seek a power to innovate order under Part 1 . The Guidance sets out the requirements for project review and analysis, evaluation, and plans for reverting to existing practice at the end of the project if necessary.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 No impact on the public sector is foreseen.

10.3 An Impact Assessment has not been prepared for this Instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Power to innovate projects are closely monitored by the Department to assess their impact on educational standards. Applications must include the measures to be used to monitor the effect of projects and must include a broad description of the evaluation strategy. A final evaluation report is required to be submitted by the School to the Department for Education (DfE) when the project ends, and where the project outcomes show a positive impact on standards, the Department will consider whether it would be desirable from a policy perspective to change education law. DfE publishes an annual report on the Power to Innovate Orders made each academic year.

12.2 The governing body of the School continue to consult annually through questionnaires so they can judge their own progress and service to all mainstream head teachers, parents of pupils who attend the School and the pupils themselves. In addition the staff complete a three hundred and sixty degree self evaluation of each other and themselves.

13. Contact

13.1 Julia Armstrong at the Department for Education Tel: 020 7340 8100 or email: julia.armstrong@education.gsi.gov.uk can answer any queries regarding the instrument.