

**EXPLANATORY MEMORANDUM TO
THE CONISBOROUGH COLLEGE ORDER 2010**

2010 No. 1449

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 exempts the Governing Body of Conisborough College, Lewisham from requirements in the School Governance (Constitution) (England) Regulations 2007 (“the Regulations”) which cover governing body size and membership for maintained community schools in England.

2.2 The Order is for a three-year period and will enable the governing body of Conisborough College- a maintained community school- to be constituted otherwise than required by the Regulations in order to include additional governors nominated by a neighbouring, independent school, Colfe’s School. The aim is that this will help raise pupil and parent aspirations and educational standards and increase curriculum, educational and professional development opportunities for staff and pupils.

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

3.1 None.

4. Legislative Context

4.1 The Order is being made under section 2 of the Education Act 2002 as amended by the Education and Inspections Act 2006 and by the Education Act 2006 (power 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. 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 initially exceed three years.

4.2 The Regulations, made under section 19 of the Education Act 2002, require that a maintained school’s instrument of government specifies the size and membership of the governing body and the numbers of governors to be elected or appointed from each of the specified categories of governor. The Regulations also, in particular, impose a minimum and maximum size, make provision for the election or appointment of parent governors and specify a maximum number of sponsor governors.

5. Territorial Extent and Application

5.1 This instrument applies in England and Wales.

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 Conisborough College (formerly Catford High School) is a maintained community school in the London Borough of Lewisham, serving a culturally diverse community. About half of the students speak English as an additional language and approximately a quarter of students have learning difficulties and/or disabilities. The 2008 Ofsted report judged the overall effectiveness of the school to be 'good', pupil outcomes have improved and there are new facilities. Conisborough's governing body think that recent improvements alone will be insufficient to counter the adverse reputation the school has suffered over a number of years. The governing body is therefore seeking to strengthen its governance arrangements by appointing a number of additional "sponsor" governors from Colfe's School, a neighbouring independent school which has a strong reputation locally, and its trustee, the Leathersellers Livery Company.

7.2 The school proposes to increase the number of sponsor governors and provide for a new parent Council, the Chair of which will automatically be a parent governor. By making the Order, it is hoped that the partnership between Conisborough College and Colfe's School will significantly improve the quality of strategic and operational governance. The partnership will also facilitate the sharing of good practice and mutual awareness of expectations within the state and independent sectors and will drive a broad range of activities between the two schools. The desired level of partnership between the two schools is not possible without the proposed governance arrangements.

8. Consultation outcome

8.1 Prior to making an application for an Order, and as required by the Secretary of State, under section 4(2) of the Education Act 2002, consultation took place with governors, staff and parents of the pupils at Conisborough College and more widely with others, including the London Borough of Lewisham, families of pupils at feeder primary schools, relevant Dioceses, local Members of Parliament, trade Unions and local press. Although a very low response rate, of the responses received 57% overall were in favour of the proposal. 86% of parents and 100% of staff who responded were in favour of the proposal. The main reasons highlighted by respondents as underpinning their rationale for supporting the proposal can be summarized as enhanced reputation, improved opportunities for students, and increased opportunities for staff.

8.2 Those against the proposal were mainly organisations (including teaching unions) and their rationale for not supporting the proposals included: questioning the motivation of Colfe's concerning the retention of their charitable status, and objecting to the inference that an independent school would have substantial power over how a community school should be run, stating that there were alternative suggestions for supporting the school, wanting more assurances for example about any changes to staff pay and conditions. In response to these concerns the school and local authority re-emphasised that, as stated in the consultation document, Conisborough College will remain a state school and as such, parents will not pay fees; the Council will continue to own the land and buildings; staff terms and conditions will be unchanged; the school's admissions criteria will not change at all, and the Head Teacher will continue to be responsible to its Board of Governors for the running of the school

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. However, no guidance is deemed to be required in respect of the Order itself since the Order is being made on the request of the body to whom the Order applies.

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 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 aim of the Order is to raise educational standards of achievement at Conisborough College and to reduce the attainment gap between students from deprived and non-deprived backgrounds. The governing body propose to use the following measures to monitor progress in standards over three years from a 2010 results baseline:

1. Increase in GCSE 5A-C+ % including English and maths
2. Increase in average point score
3. Decrease in the gap between students on free school meals and those not on free school meals in their scores in 1. and 2.
4. Improved attendance of students

12.3 The governing body of Consiborough College will also monitor the progress and measure the outcomes of other aspects of the pilot through quantitative and qualitative data, including: increase in students' well-being by means of student surveys; increase in number of 6th form bursaries to Colfe's School, improvement in quality of governance and teaching measured both through self-assessment and Ofsted inspection and by the number of partnership activities undertaking between both schools.

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.