

EXPLANATORY MEMORANDUM TO
THE WIMBLEDON SCHOOL OF ART HIGHER EDUCATION CORPORATION
(DISSOLUTION) ORDER 2006

2006 No. 1746

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

2. Description

2.1 This Order dissolves the higher education corporation known as Wimbledon School of Art (“Wimbledon School of Art”) and transfers its property, rights and liabilities to the higher education corporation known as the University of the Arts, London (“the University of the Arts, London”). It also makes provision with respect to the current employees of Wimbledon School of Art.

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

3.1 None

4. Legislative Background

4.1 Sections 121 and 122 of the Education Reform Act (ERA) 1988 made provision for certain educational institutions under local authority control to, if specified in an Order made under the relevant section by the Secretary of State, be conducted by a body corporate. These bodies are defined in ERA 1988 as being “higher education corporations”. Sections 121 and 122 of ERA 1988 were part of the programme to move polytechnics and colleges out of local education authority control. Both Wimbledon School of Art and the University of the Arts, London are higher education corporations.

4.2 Higher education corporations can only be dissolved by the Secretary of State. Section 128 of ERA 1988 gives the Secretary of State powers to, by Order, dissolve higher education corporations and to transfer the properties, rights and liabilities of the corporation to another educational body or a funding council. This Order is made under section 128 of ERA 1988.

5. Extent

This instrument applies to England.

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 As explained in 4.1, the ERA 1988 brought polytechnics and colleges out of local authority control, giving them legal status and independence. Like all other higher education institutions they are autonomous institutions, responsible for managing their own affairs. The Department's White Paper 'The future of higher education' published in 2003 made clear that greater freedom and competition in the higher education sector will compel higher education institutions to improve their efficiency and management. As a result, we do expect to see growing collaboration in the higher education sector with more strategic alliances and pooling of the facilities, particularly between institutions with complimentary missions. In some cases this may lead to mergers. Mergers of higher education corporations usually require one of the institutions to be dissolved and all its assets and liabilities transferred to the other institution. This requires action on behalf of the Secretary of State.

7.2 Wimbledon School of Art and the University of the Arts, London proposed a merger of the two institutions. In this case, the merger is to be achieved by the dissolution of Wimbledon School of Art and the transfer of its property, rights and liabilities to the University of the Arts, London on 1st August 2006. Staff employed by Wimbledon School of Art immediately prior to 1st August 2006 will be transferred to the University of the Arts, London.

7.3 Before he makes an Order to dissolve a higher education corporation, the Secretary of State must consult both the relevant corporation and the Higher Education Funding Council for England ("HEFCE") about the proposed dissolution. He must also obtain the consent of the person to which all of the assets and liabilities of the dissolved corporation are being transferred.

7.4 The Secretary of State has complied with these requirements. He has consulted Wimbledon School of Art, the University of the Arts, London and HEFCE about the proposed dissolution. HEFCE are supportive of the proposed merger and are providing financial support of £2.2 from their Strategic Development Fund over 3 years. Both governing bodies of the institutions (in effect the corporations) have confirmed that they are happy for the merger to take place. The University of the Arts, London have also provided their consent to the transfer to it of all of the property, rights and liabilities of Wimbledon School of Art on 1st August 2006.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is negligible.

9. Contact

Gudrun Groves at the Department for Education and Skills Tel: 0207 925 5214 or e-mail: gudrun.groves@dfes.gsi.gov.uk can answer any queries regarding the instrument.