EXPLANATORY MEMORANDUM TO

THE CHILD POVERTY ACT 2010 (EXTENSION OF PUBLICATION DEADLINE) (No.2) ORDER 2013

2013 No. 1980

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

2. Purpose of the instrument

2.1 The purpose of this Order is to extend the publication deadline for the 2013 annual report of the Social Mobility and Child Poverty Commission ("the Commission") from 26th September 2013 to 22nd October 2013. The effect is that the report must be published at any time before that date.

2.2 It also extends the publication deadline for the Commission's 2014 annual report from 8th May 2014 to 22nd October 2014.

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

3.1 None

4. Legislative Context

4.1 Section 8B(1) of the Child Poverty Act 2010 (c.9) ("the 2010 Act") requires the Commission to publish an annual report before 8th May each year (the anniversary of the provision coming into force). The report is required to set out the Commission's views on progress made towards the goals of improving social mobility and reducing child poverty in the United Kingdom and must also describe the measures taken by the Scottish and Welsh Ministers.

4.2 Section 8B(5) of the 2010 Act provides a power for a Minister of the Crown, following a request from the Commission, to make an order to extend the publication deadline for an annual report by no more than nine months.

4.3 Following a request from the Commission dated 7th February 2013, the deadline for the 2013 report was extended from 8th May to 26th September by the Child Poverty Act 2010 (Extension of Deadline) Order 2013 (S.I. No. 2013/411) ("the first Extension Order"). However on 11th July 2013 the Commission requested a further extension in relation to the 2013 report, as well as a similar request in relation to the 2014 report.

4.4 The Order must take effect before the existing deadline for publication of the annual report of 26 September 2013. The Order could not be made earlier because there was no reason to make such an Order until the Commission requested an extension on 11 July 2013.

5. Territorial Extent and Application

5.1 This Order extends to all of the United Kingdom.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Commission's reason for requesting the first Extension Order was that, if publication had taken place before 8th May 2013, they would have had to rely on statistics which were almost eleven months old. Therefore their report would not have provided an accurate or effective account of the Government's progress towards the goals of improving social mobility and reducing child poverty. The first Extension Order had to be made to come into force before the original publication deadline of 8th May 2013. At that time the Commission did not envisage any difficulties with the deadline of 26th September.

7.2 However since then the Commission has become concerned that their non-political and independent status could be compromised if the report were laid during the political party conference season at the end of September. Their request for a further extension states that it is not logistically possible for them to publish their report ahead of the conference season given the weight of evidence gathering they need to undertake to provide a truly comprehensive report.

7.3 In addition, they now consider that greater transparency would be obtained by waiting until after both Houses of Parliament have returned from recess.

7.4 The Commission have also requested that the deadline for the 2014 annual report is extended from 8th May 2014. Their reason for this request is that it was announced in June 2013 that the publication date of the 2014 statistics, that they will use will be in June 2014, a month after the current deadline for the publication of the 2014 annual report. It is therefore considered appropriate to make an order, extending the publication deadline of the 2014 annual report as the publication date of the 2014 statistics is already known. It is not possible to make the same assumptions for 2015 until the date for the publication of the 2015 statistics has been announced.

7.5 Up-to-date statistics are key to the effectiveness of this report, and to ensuring that the Commission has the most recent evidence upon which to

base its report on the Government's progress. The most relevant statistics are the Households Below Average Income (HBAI) statistics. They provide the most robust and recognised statistics on child poverty which all stakeholders, in Government and elsewhere, use to determine progress on reducing child poverty in the UK. No other statistics provide the right data to properly track this progress. HBAI are National Statistics and therefore conform to the protocols and procedures set out in the Code of Practice for Official Statistics.

7.6 Without an extension the Commission would be required to publish its second annual report before 8th May 2014, meaning that it would have to use the same poverty statistics as used in the 2013 report. To ensure the Commission is able to use the latest figures and establish a regular time interval between the annual reports for 2013 and 2014, the Commission has requested that this Order extends the deadline for the 2014 report from 8th May to 22nd October. This will provide clarity for external organisations and the public, enable the Commission to plan ahead, and reduce the need for further intrusion on Parliamentary time.

8. Consultation outcome

8.1 The Commission requested that this Order be made by the responsible Minister. We have consulted officials in the Devolved Administrations in Scotland and Wales on these new deadlines for the reports to ensure that the extension of the publication deadline will cause them no practical difficulties. As with the previous extension, the Commission have also written again to key stakeholders advising them of the new deadline for the publication of the 2013 and 2014 annual reports, and explaining that relying on the most up-to-date statistics would result in a more robust and effective report – something which they had previously welcomed.

9. Guidance

9.1 The Government will advise the Commission of its new report publication deadline.

10. Impact

10.1 There is no cost impact on business, charities or voluntary bodies.

10.2 There is no cost impact on the public sector.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This Order will help to ensure that the reports of the Commission are accurate and remain so for as long as possible by allowing them to be based upon the most up-to-date statistics. As indicated above, the Order will only

extend the publication deadline for the Commission's 2013 and 2014 annual reports.

13. Contact

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