EXPLANATORY MEMORANDUM TO

THE CHILD POVERTY ACT 2010 (EXTENSION OF PUBLICATION DEADLINE) ORDER 2013

2013 No. 411

1. 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

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

2. Purpose of the instrument

2.1 The purpose of this Order is to extend the publication deadline for the Social Mobility and Child Poverty Commission's ("the Commission") 2013 annual report until any time before 26 September 2013. The current statutory deadline under section 8B(1) of the Child Poverty Act 2010 (as amended by the Welfare Reform Act 2012) is any time before 8 May 2013 (the anniversary of the date on which Section 8B came into force).

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

3.1 Section 28(5)(b) as amended by paragraph 12 of Schedule 13 to the Welfare Reform Act 2012 provides that the order-making power is subject to negative resolution. At present, this section wrongly refers to section 8B(4) when it should refer to section 8B(5). This drafting error is being corrected by the issue of a correction slip.

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 (before the anniversary of the provision entering 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 also has to 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 7 February 2013, the Minister of State for Schools makes an Order to extend the publication deadline for the annual report until any time before 26 September 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 is required by the Child Poverty Act to publish its first report before 8 May 2013. 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 will describe the measures taken by the Scottish and Welsh Governments. A Minister can extend the report publication deadline by up to nine months by order, if the Commission so requests. On 7 February 2013, the Commission requested that the publication deadline be extended to before 26 September 2013.

7.2 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. As such the publication date is pre-announced several months in advance. Although presently the specific date hasn't been published, it has been announced that they will be released in May or June 2013. The 2012 figures were published on 14 June 2012.

7.3 As the report deadline therefore falls just before the likely publication date of this year's HBAI statistics, the Commission has requested an extension to their report deadline to ensure that they can use the latest statistics, and have sufficient time to consider them fully. If this Order is not made, the Commission's report would be relying upon the 2012 HBAI statistics which would be almost eleven months old. The report would therefore be less effective in reporting on the Government's progress towards the goals of improving social mobility and reducing child poverty as it would not be based upon the most up-to-date statistical information and therefore may not accurately reflect the current position at the time of publication.

8. Consultation outcome

8.1 The Commission requested this Order be made by the responsible Minister. We have consulted officials in the Devolved Administrations in Scotland and Wales on the new deadline for the report to ensure that the extension of the publication deadline will cause them no practical difficulties.

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 first report of the Commission is accurate and remains so for as long as possible by allowing it to be based upon the most up-to-date statistics. The Order will only extend the publication deadline for the Commission's 2013 annual report.

13. Contact

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