EXPLANATORY MEMORANDUM TO

THE CHILD POVERTY ACT 2010 (EXTENSION OF PUBLICATION DEADLINE) ORDER 2015

2015 No. 83

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 deadline for publishing the 2015 annual report of the Social Mobility and Child Poverty Commission ("the Commission") from 8th May 2015 to 18th December 2015.

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 report must set out the Commission's views on the progress made towards the goals of improving social mobility in the United Kingdom and reducing child poverty by meeting the targets set out in the 2010 Act and implementing the most recent UK strategy. The report must also describe the measures taken by the Devolved Administrations.

4.2 Under section 8B(5) of the 2010 Act, at the Commission's request, a Minister of the Crown may by order extend the publication deadline for the Commission's annual report by no more than nine months. On 27th November 2014 the Commission requested an extension to the deadline for publishing its 2015 report from 8th May to 18th December 2015.

4.3 The power to extend the publication deadline was exercised for the 2013 and 2014 reports allowing the Commission to publish its annual report in October of both years. This was because of the need to wait for key child poverty statistics to become available.

5. Territorial Extent and Application

5.1 This Order extends to all the United Kingdom.

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

7.1 Without an extension, the Commission's annual report would have to be laid before Parliament by 8th May 2015.

7.2 At this point there would be little new data available and insufficient time in which to gather the evidence the Commission would need to produce a report that met the requirements of the 2010 Act. The next statistics on progress towards meeting the targets in the Child Poverty Act 2010 will not be available until the *Households Below Average Income* report is published in May/June 2015. This means that the statistics the Commission would be drawing on in making its judgements would be the ones used in its 2014 annual report.

7.3 As the general election is scheduled for the 7th May 2015, the Commission would have to publish its report before the dissolution of Parliament – the 30th March. This would mean that the 2015 annual report would be published just over five months after the 2014 report (published on 20th October 2014).

7.4 Extending the publication deadline will enable the Commission to take account of the latest annual data on child poverty. It will also allow the Commission to take into account any early steps taken by the new Government in relation to its responsibilities under the 2010 Act. In addition, an extended deadline will allow Parliament the time to consider the Commission's 2015 report within its normal course of business without undue haste.

8. Consultation outcome

8.1 No public consultation has taken place. The Commission consulted officials in its sponsoring Departments prior to requesting the extension. The Child Poverty Unit has advised the Devolved Administrations in Scotland and Wales about the request to change the publication deadline and the reasons behind it.

9. Guidance

9.1 The Government will advise the Commission of the 2015 annual 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.

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 This Order will ensure that the Commission is able to produce an annual report in 2015 that best meets the requirements of the 2010 Act and references the latest available data.

12.2 Consideration will be given to whether a more permanent change to the Commission's annual report publication deadline should be made from 2016.

13. Contact

Janice James at the Child Poverty Unit (Tel: 020 7789 8536 or email: Janice.James@childpovertyunit.gsi.gov.uk) can answer any queries regarding the instrument.