EXPLANATORY MEMORANDUM TO THE

EDUCATION (OUTTURN STATEMENTS) (ENGLAND) REGULATIONS 2005

2005 No. 1386

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

This memorandum contains information for the Joint Committee on Statutory Instruments and the House of Lords Merits Committee.

2. Description

Section 52(2) of the School Standards and Framework Act 1998 imposes an obligation upon Local Education Authorities (LEAs) to prepare outturn statements after the end of each financial year which set out information relating to the following matters-

(a) the planned expenditure for that financial year which the LEA has specified in the budget statement it prepared before the beginning of the year'

(b) expenditure actually incurred, or treated by the LEA as having been incurred by them in that year,

(c) any other resources allocated by the LEA in the year to schools maintained by them during any part of the year, and

(d) accountable resources held, received or expended in the year by any person in relation to a school maintained by the LEA. (Accountable resources means resources not provided by the LEA which governing bodies have an obligation to keep account of under section 44 of the Education Act 2002.)

Copies of outturn statements must be sent to the governing body and head teacher of each school maintained by the LEA. The Education (Outturn Statements) (England) Regulations 2005 prescribe the form of the statement and the manner of its publication. These regulations are made annually, and impose a requirement upon LEAs to supply a copy of their outturn statement to the Secretary of State.

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

None

4. Legislative Background

4.1. The Education (Outturn Statements) (England) Regulations 2005 are made under section 52(2), (3) and (4) and section 138(7) of the Schools Standards and Framework Act (SSFA) 1998. The annual updating of these instruments enables additions and changes to be made to the tables set out in the Schedules.

5. Extent

5.1. These regulations apply to England.

6. European Convention on Human Rights

6.1. Not applicable

7. Policy background

7.1. The parent Act sets out the budgetary framework for schools maintained by local authorities. The policy objective in making these regulations is to ensure that LEAs provide particular information (in the form of an outturn statement) to maintained schools, the Secretary of State and the public about their expenditure during the previous financial year. LEAs are required, under other regulations, to publish a statement of planned expenditure (in the form of a budget statement) before the beginning of the financial year. The publishing of the outturn statement enables a comparison to be made between actual expenditure and planned expenditure. The schedules to the regulations comprise tables which set out in detail the information required. Because this changes from year to year, the regulations are made annually.

7.2. None of the changes implemented by these regulations are politically or legally important. The changes are relatively minor ones updating references and definitions. They relate to collecting more detailed information about home to school, and home to college transport to assist in policy formulation in these areas.

7.3. Consultation on the proposed changes to the regulations has been undertaken with LEAs, professional associations, local government associations, governor associations, unions and other partners. Drafts of the regulations and guidance for outturn budget statements for the financial year 2005/6 were circulated to these bodies on the 9th February 2005. There has been no media attention. The two responses received were requesting a number of radical changes to the outturn framework. As substantial changes to the budget and outturn frameworks are being considered for the 2006-07 financial year, it was decided to maintain a degree of stability for the time-being.

8. Impact

8.1. The impact on the public sector is minimal therefore no Regulatory Impact assessment has been conducted

9. Contact

Cheryl Bailey

Department for Education and Skills

0207 925 5793.

Cheryl.bailey@dfes.gsi.gov.uk