EXPLANATORY MEMORANDUM TO

THE EDUCATION (PROVISION OF INFORMATION BY INDEPENDENT SCHOOLS) (ENGLAND) (AMENDMENT) REGULATIONS 2004

2004 No.3373

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 Select Committee on Statutory Instruments.

2. Description

2.1 The principal amendment is the provision of a timescale of 1 month within which schools must inform the Department of any circumstances that have led to a teacher's dismissal or resignation where dismissal would have otherwise occurred. Previously there was no timescale and this made it difficult to enforce the regulation. The amending regulations also make several minor amendments to the information that independent schools must provide to the Department.

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

3.1 The principal amendment is made in response to the JCSI referral about Regulation 8(1) of The Education (Provision of Information by Independent Schools)(England) Regulations 2003 (SI 2003/1934). The Department provided a Memorandum in October 2003 which promised the regulations would be amended at the earliest opportunity to include an appropriate period for compliance.

4. Legislative Background

4.1 In September 2003 the Department introduced regulations that set out in detail the information required by the Department from independent schools prior to registration, after registration and as part of the Annual Schools Census exercise. It was agreed at consultation stage that these regulations would be reviewed at the end of the first year of operation. The regulations have worked well and we do not propose any major changes at this time. However the amendments proposed will rectify some omissions and anomalies that have become apparent during the first year of operation

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

Not applicable

7. Policy background

7.1 These amending regulations will improve the flow of information between independent schools and the Department.

7.2 The regulations also remove some duplication which will lessen bureaucracy in independent schools.

7.3 There has been no formal consultation on these amendments. The amendments are very minor and merely reflect some omissions and anomalies that needed addressing before the next annual school census exercise in January 2005. Some changes will reduce bureaucracy whilst others will streamline our requirements.

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 none

9. Contact

Margaret Pattinson, the Department for Education and Skills. Tel: 01325 39217 or e-mail: margaret.pattinson@dfes.gsi.gov.uk can answer any queries regarding the instrument.