EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL DAY AND SCHOOL YEAR) (ENGLAND) (AMENDMENT) REGULATIONS

2010 No. 604

1. This explanatory memorandum has been prepared by the Department for Children Schools and Families and is laid before Parliament by Command of Her Majesty. It contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The amendment which relates to school year 2010-2011 allows maintained schools delivering the primary curriculum an extra day for use as a teacher training day. It is envisaged that changes will be made to the primary curriculum next year under clause 10 in the Children, Schools and Families Bill currently before parliament and the extra day will allow schools to help teachers prepare for those changes. This will affect primary schools, middle schools deemed primary, and special schools delivering the primary curriculum.

2.2 The amendment which relates to school year 2011-2012 reduces the minimum number of sessions in that year for all maintained schools from 380 sessions to 378 sessions. This is to allow school staff and pupils to benefit from the extra public holiday to celebrate the Queen's Diamond Jubilee. The additional public holiday is to be Tuesday 5 June 2012. Though most schools will take their half-term holiday w/c 4 June, so would be closed anyway, staff and pupils would get no benefit from the extra public holiday if the minimum length of the school year were not reduced.

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

3.1 None.

4. Legislative Context

4.1 The Education (School Day and School Year) (England) (Amendment) Regulations 2010 amend the Education (School Day and School Year) (England) Regulations 1999 (SI. 1999/3181) ("the 1999 Regulations") which set out the minimum number of school sessions which must be held in each school year in maintained schools in England. They also revoke S.I. 2007/3071 (see 8.3).

5. Territorial Extent and Application

5.1 This instrument applies to England.

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

- ***What is being done and why***

7.1 The 1999 Regulations set out the minimum number of half-day sessions for which maintained schools must meet within a school year. The minimum number is 380 sessions (190 days). As well as these 190 days, teachers work an additional 5 days when pupils do not attend school (usually referred to as "non-contact days"). These non- contact days are generally used for teacher training.

7.2 The purpose of the amendment relating to school year 2010-2011 is to allow maintained schools which deliver the primary curriculum one more non-contact day (two sessions) in 2010-11 to be used for teacher training. This additional training will help teachers to prepare for the anticipated changes to the primary curriculum and will, therefore, benefit both teachers and pupils.

7.3 The amendment will apply for one school year only.

7.4 The purpose of the amendment relating to school year 2011-2012 is to reduce the number of sessions for which a maintained school must meet from 380 to 378. (Teachers will work the additional 5 non-contact days, as in most other school years.) This is so that school staff and pupils will benefit from the additional public holiday for the Queen's Diamond Jubilee.

7.5 This amendment will also apply for one school year only.

- ***Consolidation***

7.6 We do not intend to consolidate either amendment as each will apply for one school year only.

8. Consultation Outcome

8.1 In his final report of the Independent Review of the Primary Curriculum[1] education expert Jim Rose made a number of recommendations, including a recommendation that "In line with arrangements for implementing the new secondary curriculum, the DCSF should provide primary schools with one extra training day in 2010 to enable the workforce in each school to understand the new primary curriculum and start planning how it will work in their school.". This recommendation was based on representations from teacher representatives, including teacher unions during the Review's extensive consultation.

8.2 The Qualifications and Curriculum Development Agency consulted teacher unions and other relevant organisations on the envisaged changes to the primary curriculum between 30 April and 24 July 2009 and received positive responses.

[1] "The Independent Review of the Primary Curriculum" – Issued April 2009 – Reference: DCSF – 00499-2009.

Guidance on the changes has also been uploaded onto the Department for Children, Schools and Families' websites.

8.3 Although the Department for Children, Schools and Families did not consult specifically on the Recommendation referred to in sub-paragraph 1, there is a precedent for providing an extra training day for very similar purposes. In 2007, the Education (School Day and School Year) (England) (Amendment) Regulations 2007 (SI 2007/3071) amended the 1999 Regulations to give maintained secondary schools an extra training day in the 2007-08 school year to help to prepare teachers for the changes being made to the curriculum for Key Stage 3 pupils.

8.4 The Department did not consult on the extra day's holiday for school year 2011-2012. The Government has already announced the additional public holiday to mark the Queen's Diamond Jubilee on 5th June 2012. There is a precedent for doing this too. When an additional public holiday was granted to mark the Queen's Golden Jubilee in 2002, the Education (School Day and School Year) (England) (Amendment) Regulations 2001 (S.I2001/1429) amended the 1999 Regulations to reduce the minimum number of school sessions in school year 2001-2002 by two.

9. Guidance

9.1 The Department does not propose to issue any detailed guidance on either of these amendments.

9.2 A communication is being sent to all local authorities and schools before the end of the current school year informing them of the extra training day that may be taken in the school year 2010-2011, so that schools can make the necessary arrangements in good time.

9.2 The communication also advises local authorities and schools of the extra public holiday in 2012, and the consequent reduction in the length of school year 2011-2012.

10. Impact

10.1 There should be no impact on business, charities or voluntary bodies.

10.2 There should be no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument. This is because no impact upon the private or voluntary sectors is foreseen.

10.4 Any impact upon parents will be minimised by the long notice that schools or local authorities will be able to give so that childcare can be arranged

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Department does not gather data on the number of sessions for which schools are open in a year, but expects that all, or almost all, maintained schools delivering the primary curriculum will take the extra non-contact day.

12.2 While the effect of the increased training opportunity will be seen in pupils' attainment in future years, the impact of this instrument cannot be isolated. Pupils will receive two fewer sessions of learning in 2010-11 but will benefit from their teachers being further trained in the primary curriculum.

12.3 The Department expects that all local authorities and maintained schools will take account of the extra public holiday in 2012 when setting their term dates for 2011-2012. In most cases, schools will take their half-term break in the week commencing 4 June 2012, as there are two public holidays that week, the holiday usually taken on the last Monday in May having been moved to the first Monday in June. Examination bodies have been advised to schedule their timetables on the assumption that most schools will be closed for half-term in the first week of June.

13. Contact

13.1 Martin Elliott at the Department for Children Schools and Families Tel: 020 7340 7150 or email: martin.elliott@dcsf.gsi.gov.uk can answer any queries regarding the instrument.