EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL PERFORMANCE TARGETS) (ENGLAND) (REVOCATION) REGULATIONS 2011

2011 No. 937

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 These Regulations revoke the Education (School Performance Targets) (England) Regulations 2004 (SI 2004/2858), as amended, ("the 2004 Regulations") so removing the requirement for schools to set education performance targets and to submit these targets to the local authority. Regulations which have amended the 2004 Regulations are also revoked.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Context

4.1 The 2004 Regulations require schools to set performance targets annually and submit these to the local authority by 15th January each year for the following school year. The 2004 Regulations also require local authorities to provide information about school targets to the Secretary of State by 31st January each year.

4.2 These Regulations are being made in order to revoke the 2004 Regulations, thereby releasing schools from the bureaucratic burden of setting annual education performance targets and submitting these to the local authority for approval. Local authorities will also no longer be required to provide school targets information to the Secretary of State. Associated regulations which amended the 2004 Regulations are also revoked, to the extent indicated in the Schedule to the Regulations.

5. Territorial Extent and Application

5.1 This instrument applies to England only.

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 Government is committed to reducing bureaucracy for schools. In line with this commitment, it was announced in the Schools White Paper (http://www.education.gov.uk/schools/teachingandlearning/schoolswhitepaper/b0068570/the-importance-of-teaching/ Cm. 7980 24 November 2010) that schools would no longer be required to set statutory education performance targets from September 2011. The White Paper set out the intention that schools would instead be able to draw up their own improvement plans focused on their own, individual, priorities. Local authorities would no longer be required to collect and submit school targets to the Department for Education.

7.2 To ensure that burdens are reduced in line with the commitment in the White Paper, the 2004 Regulations must be revoked before the next round of target setting begins in September 2011 (for the academic year 2013).

7.3 These Regulations are being laid in time to provide schools with a term's notice of the proposed changes.

8. Consultation outcome

8.1 We are confident that schools will welcome the revocation of the 2004 Regulations as evidenced by the 7 September 2010 Ministerial seminar on school improvement, attended by head teachers who expressed their view that target setting was restrictive and bureaucratic.

8.2 There was no formal consultation on the Schools White Paper, and as this change reduces burdens it was not considered necessary to consult. We have informally invited views using the Target Setting pages in the Department for Education website to give people the opportunity to air their views and no responses were received.

9. Guidance

9.1 As these regulations revoke the 2004 Regulations, no new guidance will be required. Schools have already been informed of the proposed changes as described under paragraph 7.1.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 The effect of the revocation of the 2004 Regulations is to remove the requirement for schools to set education performance targets, with no new obligations being placed on schools. The impact on the public sector is therefore beneficial in terms of removing a bureaucratic burden on schools. The burden of collecting school targets and submitting them to the Department

for Education will also be removed from local authorities. There is therefore a beneficial 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 Ministers have taken the decision to remove the requirement for schools to set targets. Instead, performance of schools will be monitored through annual performance tables which will be made available to the public. This approach may be reconsidered in the future if Ministers consider that this is having a detrimental effect on school standards.

13. Contact

13.1 Sheila McCreary at the Department for Education (Tel: 0207 340 7973 or email: sheila.mccreary@education.gsi.gov.uk) can answer any queries regarding the instrument.