EXPLANATORY MEMORANDUM

THE INFORMATION AS TO PROVISION OF EDUCATION (ENGLAND) (AMENDMENT) (No. 2) REGULATIONS 2013

2013 No. 2149

1. This Explanatory Memorandum has been prepared by the Department for Education (DfE) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend the Information as to Provision of Education (England) Regulations 2008 (S.I. 2008/4) to extend the requirement for each local authority in England to provide the Secretary of State with information about secondary school admissions (details of the applications they have received, the preferences expressed in those applications and the offers made in respect of children living in the authority's area) to include information about admissions to primary schools. They will also require each local authority to provide that information in respect of each individual child rather than the total number of applications received, preferences expressed and offers made.

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

3.1 None

4. Legislative Context

4.1 Although this is the second statutory instrument to be made this year that amends the Information as to Provision of Education (England) Regulations 2008, the changes it makes are not connected with the changes made by the Information as to Provision of Education (England) (Amendment) Regulations 2013, S.I. 2013/1255. The changes in those Regulations concerned the collection of information about actual and forecast school capacity rather than about school admissions with which these Regulations are concerned.

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

7.1 Each year, local authorities submit data to the Department on the number of applications made for school places, the number of preferences expressed and the number of applicants who received an offer at one of their preferred schools. This data currently only covers secondary schools (and the secondary national offer day of 1 March) and for each local authority the Department asks for the total number of applications made, preferences expressed and offers made.

7.2 Through the changes made by these Regulations, from January 2014, the data will be extended to include primary schools in line with the new primary national offer day of 16 April. The introduction of a primary national offer day will ensure all parents are notified of a primary school place for their child at the same time. This already happens with secondary schools. Publishing primary school preference data alongside the existing secondary school data will give parents information to enable them to make better informed choices when applying for primary school places.

7.3 The data will also be returned to the department as information relating to each pupil. Local authorities will be required to tell the Department, in respect of each pupil, for which school they have expressed a preference and at which school they have been offered a place. The Department publishes the data via an annual statistical publication on www.gov.uk.

7.4 The move to collecting pupil level preference data will bring significant benefits in terms of its uses for analysis, monitoring progress in increasing choice and competition and identifying areas where improvement is needed. The data will help the department to assess whether parents in low income households express preferences for good schools and, if so, the extent to which such preferences are met. It will also enable the department to better understand where there is less choice for households, thus potentially restricting social mobility, and if so, where improvements are needed. As local authorities already hold pupil level data, the impact of the changes in terms of additional burdens will be minimal. The department will continue to publish data at local authority level only. The pupil level data collected will continue to be published at the aggregate level. No individual details will be published.

8. Consultation outcome

8.1 The department has consulted in the following ways:

- A business case was discussed with and approved by the Star Chamber Scrutiny Board (SCSB) at its meeting on 1 November 2012. The SCSB, which comprises 14 local authorities, two schools and Ofsted, is the normal mechanism used by the department for consulting on proposed changes to data collections. The SCSB supported the proposed changes.

- As agreed with the SCSB, the department piloted the changes in April-June 2013 with four volunteer local authorities (Solihull LA, Central Bedfordshire LA,

Gloucestershire LA & Kent LA) and the three main commercial suppliers of admissions data systems to local authorities (CAPITA, Tribal Group and CACI, who between them cover around 90% of local authorities). No significant issues were raised during the pilots.

- Local authorities already collect the preference data at individual pupil level. The changes that this instrument makes relate to the level of disaggregation of data which the local authorities are being asked to send to the department and to request the data in respect of primary as well as secondary schools.

9. Guidance

9.1 Detailed guidance will be issued to local authorities in September 2013, setting out in precise terms the data required and the timetable for returning this data.

10. Impact

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

10.2 The impact on the public sector is expected to be minimal as no new burdens are being placed on local authorities or schools.

10.3 Accordingly, 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 The department will review the impact of the changes following the publication of the extended preference data in July 2014.

13. Contact

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