EXPLANATORY MEMORANDUM TO

THE INFORMATION AS TO PROVISION OF EDUCATION (ENGLAND) (AMENDMENT) REGULATIONS 2013

2013 No. 1255

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

These Regulations amend the Information as to Provision of Education (England) Regulations 2008 (S.I. 2008/4) ("the 2012 Regulations") which prescribe the information that local authorities have each year to provide to the Secretary of State in relation to the provision of primary and secondary education in their area. They extend the requirement to information about school places added to localised areas, and the funding used to provide them.

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

None.

4. Legislative Context

Section 29 of the Education Act 1996 requires local authorities to provide the Secretary of State with information for the purpose of the exercise of the Secretary of State's functions under the Act. Under section 29(3) local authorities have to compile such information and make such provision for research as may be required to provide the Secretary of State with prescribed information relating to the provision of primary or secondary education in the local authority's area.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Since 1994, local authorities have been required to confirm annually the number of registered pupils at, and the capacity of, each community, foundation and voluntary

school maintained by the local authority.. These annual School Capacity Collection returns include local authority-wide forecasts of pupil numbers for the following five years for primary aged pupils and the following seven years for secondary aged pupils. Local authorities have also provided a commentary setting the return in the context of geographic and demographic circumstances.

7.2 In 2011 LAs were required to provide forecasts by year group and to include pupils at Academies (including free schools and UTCs) in forecasts. The School Capacity Collection was amended in 2011 to include information on individual Academies.

7.3 Since 2012, local authorities have been required to provide forecasts by year group and by 'planning area', a geographical area usually smaller than the whole authority that is used for local place planning purposes.

7.4 The information gathered from these returns is used to monitor the provision of places nationally and for the calculation of the capital allocations of Basic Need (BN) funding to support new pupil places.

7.5 Increases in birth rates and other demographic pressures are expected to continue for the foreseeable future, resulting in localised need for additional primary places. This pressure is expected to continue into the secondary sector. As pupil place pressures increase, it is important that the full extent of this is understood to enable the targeting of BN funding at areas of greatest need. It is therefore planned for the 2013 survey to collect detailed data that shows how many school places local authorities are adding in their local areas, which schools they are in and how they have been funded. This will include the places that local authorities are planning to add (up to three academic years in the future) so that the full extent of their actions to address place pressures is understood.

8. Consultation outcome

8.1 The changes made by these Regulations were agreed by the Department for Education's Star Chamber on 2 May 2013. The Star Chamber assesses all Departmental proposals for new data and research collections relating to children and young people, aiming to reduce bureaucracy impacting on schools and local authority children's services. The Star Chamber is formed from local authority representatives involved in children's services data, including education, social care and early years, plus serving headteachers from primary and secondary education.

8.2 Local Authorities have been fully engaged in developing the school capacity data collection. The changes have been discussed with representative Local Authorities, the Education Building Development Officers' Group (EBDOG) and ADCS. We estimate we have spoken to around 50 Local Authorities about the changes between March and May 2013. The response has been positive, and Local Authorities have confirmed that the information is generally available and can be provided in the format required. We are working with Local Authorities to develop a suitable template, and have piloted the new aspects of the data collection with 13 Local Authorities in May 2013.

9. Guidance

Guidance on the changes will be provided to local authorities as part of the annual survey.

10. Impact

An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

The collection process, and data from the collection, are monitored and reviewed each year, with emphasis on any changes to ensure that the collection is effective. The data is appraised and ensured as being accurate and robust before being used for allocation purposes. This includes review of how well the data supports departmental needs, including the allocation of basic need funding that reflects relative need.

13. Contact

Sophie Ingram at Education Funding Agency, Tel: 020 7340 7281 or email: Sophie.Ingram@education.gsi.gov.uk can answer any queries regarding the instrument.