EXPLANATORY MEMORANDUM TO

THE SCHOOL INFORMATION (ENGLAND) (AMENDMENT) REGULATIONS

2010 No. 1006

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.

2. Purpose of the instrument

2.1 This instrument amends the School Information (England) Regulations 2008 (SI 2008/3093) ("the 2008 Regulations"). It prescribes additional information that local authorities must make available in their composite prospectuses concerning schools in their area. The instrument also places new requirements on school governing bodies to provide specific information within the school prospectus and also to publish the school prospectus on the school website, where the school has a website.

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

3.1 None

4. Legislative Context

4.1 The 2008 Regulations came into force on 10th February 2009 and, in summary, specify:

- the process by which local authorities must publish information on schools in the local authority area in composite prospectuses, and the information which must be included in composite prospectuses;

- the process by which local authorities make general information on their educational policies available to parents, and the information on local educational policies which local authorities must publish; and

- the process for individual schools' governing bodies to publish information on their schools in school prospectuses, and the information which must be included in school prospectuses.

4.2 The proposed amendments to the 2008 Regulations mandate specific information which must be contained with the composite prospectus and the school prospectus. The intention is to ensure that there is broad and consistent information available to parents when they are applying for school places for their children . The amendments are part of ongoing Government commitments aimed at improving parents' engagement with children's learning so that parents have access to better quality, more consistent information on schools. The amendments also support the proposed primary legislation on home-school agreements (HSA) in the Children, Schools and Families Bill by ensuring that parents will have sufficient understanding of schools' key policies when signing the HSA.

4.3 Regulation 10 of the 2008 Regulations presently require the governing bodies of schools to publish within the school prospectus a report containing special needs information together with any other general information relating to the school which they may decide to publish. Regulation 10(1) is substituted by this instrument: new requirements will be placed on governing bodies of schools to publish specific information about the school and its policies within the school prospectus, as well as any other information thought appropriate by the governing body. The mandatory information is listed within the new Schedule 4. Schools will also be required to publish the prospectus on the website, if the school has one.

4.4 Schedule 2 of the 2008 Regulations presently lists specific information which must be provided within the composite prospectus by local authorities. The instrument amends Schedule 2 to include further specific information about schools and their policies which must be provided within the composite prospectus.

4.5 The instrument will come into force on 1st September 2010. The content of school and local authority composite prospectuses for the 2010-11 admissions cycle will already have been finalised by that point. The amendments will therefore affect school and local authority composite prospectuses prepared for the 2011-12 academic year and subsequent years.

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***

7.1.1 The Government set out a range of commitments aimed at improving parents' engagement with their children's learning in the *Children's Plan: One Year On (Progress Report)* and the White Paper *Your child, your schools, our future: building a 21st century school*.

7.1.2 This Instrument is part of a commitment to review overarching parental engagement legislation, which will also include revisions to the Pupil Information (England) Regulations 2005 (SI2005/1437). Those Regulations were subject to a public consultation alongside this Instrument.

7.1.3 The main provisions set out in the 2008 Regulations will remain: schools and local authorities will continue to publish prospectuses annually in line with the specified timescales. However, while schools are required to have a range of policies and strategies covering key areas like discipline and behaviour, the curriculum, diversity etc., there is no compulsion for schools to summarise policies (although many schools and local authorities already do), whether in their prospectus or elsewhere. Information can be requested directly from schools, but not all parents are

confident or well-informed enough to do this, and these will often be the parents in most need of coherent, consistent information.

7.1.4 Prospectuses are primarily intended to inform parents when they are applying for places at schools; but all parents with children in school will from time to time benefit from an awareness of school's key policies and strategies. This instrument specifies the minimum content of the prospectuses. The intention is to ensure that all parents have access to consistent, meaningful, good quality information in prospectuses. The instrument is also intended to support the proposed new legislation on HSAs in the Children, Schools and Families Bill by ensuring that parents have sufficient understanding of schools' key policies when applying for a school. The intention is for the HSA to be signed when a child joins the school and parents' prior awareness of school policies will support that process.

7.1.5 The Government has specified the prospectus content in regulations, rather than setting out expectations in guidance, because it believes that consistent information on schools must be available to all parents. This objective can only be achieved by specifying the content of prospectuses in regulations.

7.1.6 School prospectuses will therefore now be required to provide a statement of schools' ethos and values, together with summaries of the following key policies: teaching and learning, parental engagement, equalities and diversity, special educational needs and disabilities, community cohesion, collective worship, looked after children, behaviour, attendance, school uniforms, and gifted and talented children. Provisions will also allow governing bodies to include additional appropriate information. Information on how parents may obtain further information must also be included in the prospectus.

7.1.7 This instrument also removes the requirement for school prospectuses to include the schools' complete Special Educational Needs and Disabilities (SEN) report. Instead, in line with the recommendations of *Brian Lamb's report on SEN and Disability Information* (April 2009), an SEN policy summary must be included in the school prospectus.

7.1.8 Local authority composite prospectuses will be required to include a statement of each school's ethos and values, together with summaries of curriculum, teaching and learning, special educational needs and disabilities, looked after children, and behavioural policies.

7.1.9 Given the low level of responses received to the consultation, it is not considered that there is a high level of public or media interest in the proposed amendments. Nor is it considered that the changes are politically or legally significant.

- ***Consolidation***

7.2 The Regulations were introduced in 2002, and have been amended on several occasions since then. The 2008 Regulations (which came into force in February 2009) consolidated the changes and reflected alterations to admission procedures by establishing explicit timescales for local authorities and school governing bodies for the publication of prospectuses.

7.3 There are no immediate plans for a further consolidation of the regulations. However, the Government will review the effectiveness of the regulations following the 2011-12 admissions cycle, and may consider further consolidation following this review.

8. Consultation outcome

8.1 On 9th November 2009, the Government launched a public consultation seeking views on proposals for amendments to the *Education (Pupil Information) (England) Regulations 2005 (SI2005/1437)* and *the Education (School Information) (England) Regulations 2008 (SI 2008/3093)*. The consultation concluded on 1st February 2010, and only 26 responses were received.

8.2 The relatively small number of respondents to the consultations suggests that there is little opposition to this Instrument. Some concerns were raised, and the Government will ensure that points made in response to the consultation are addressed by guidance.

9. Guidance

9.1 The Government will issue guidance for schools and local authorities to help in the meeting of these new obligations. We aim to have the guidance in place at the start of the 2010-11 academic year so that schools and local authorities can take the amendments fully into account when developing their prospectuses for the following academic year.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument because no impact on business, charities or voluntary bodies is foreseen. Any impact on schools and local authorities will be minimal. The Government believes that most schools and local authorities already include summaries of key policies in prospectuses.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Government will review the effectiveness of these amendments following the implementation of this Instrument during the 2011-12 application cycle.

13. Contact

Iain Cuthbert at the Department for Children, Schools and Families (telephone: 020 7783 8538 or email: iain.cuthbert@dcsf.gsi.gov.uk) can answer any queries regarding the instrument.