EXPLANATORY MEMORANDUM TO

THE SCHOOL INFORMATION (ENGLAND) (AMENDMENT) REGULATIONS 2013

2013 No. 758

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The instrument adds to the existing information requirements in the School Information Regulations 2008 a new requirement for maintained schools with Year 7 pupils to publish information on a website about their use of the Year 7 literacy and numeracy catch-up premium. This is to enable parents to understand how this new funding is being used by schools, and to provide a degree of accountability.

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

3.1 None.

4. Legislative Context

4.1 This amendment goes alongside a previous set of amendments to these Regulations made in 2012, and described in detail in paragraph 7. The purpose of the amendment is to bring the information to be published on the Year 7 catch-up premium in line with that already being published on the Pupil Premium.

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

7. Policy background

7.1 The School Information (England) Regulations 2008 (SI 2008/3093) ("the 2008 Regulations") came into force on 10th February 2009 and are made under section 537 of the Education Act 1996, and section 92 School Standards and Framework Act 1998.

7.2 The 2008 Regulations apply to all maintained schools except for maintained nursery schools; and to other school types (e.g. maintained special schools academies, city technology colleges etc.) where specified in the regulations.

7.3 The 2008 Regulations were amended on 1 September 2012, removing the requirement for governing bodies of maintained schools to publish a school prospectus and introducing a new requirement for these schools to publish specified information online. Where a maintained school does not have a website, this requirement may be fulfilled by publishing the information on a website provided by another organisation, the address and details of which are made known to parents.

7.4 A range of key information is required to be published online, including details of the school's pupil premium allocation and its plans to spend it in the current year; and, for the previous year, a statement of how the money was spent and the impact that it had on educational attainment of those pupils at the school in respect of whom grant funding was allocated.

7.5 This amendment to the 2008 Regulations requires schools with Year 7 pupils to publish similar information about the Year 7 literacy and numeracy catch-up premium. This new premium was announced by the Deputy Prime Minister in September 2012 and was allocated to schools for the first time in January 2013. Schools receive £500 for each pupil who has failed to reach Level 4 in reading and/or maths at the end of primary school.

7.6 The instrument will come into force on 1st September 2013.

Consolidation

7.7 A final decision on amendments to these Regulations was not made early enough to consider consolidation of the Regulations on this occasion. However this is a minor amendment. One additional requirement is imposed which is consistent with the substantive amendments made in 2012. Consideration will be given to the consolidation of these Regulations if further amendments are to be made to the 2008 Regulations.

8. Consultation outcome

8.1 A short consultation exercise on the proposed amendment was conducted in February - March 2013 with teacher unions, and local authority and governors' organisations. In addition, members of the Department for Education's Bureaucracy Reference Group were also consulted. The Bureaucracy Reference Group comprises 20 school practitioners (school leaders, classroom teachers and support staff) from a range of schools, including primary schools, secondary schools, special schools and academies. They advise the Department for Education and its agencies on reducing unnecessary bureaucracy in schools.

8.2 One response was received to the main consultation, from the National Governors' Association. The NGA agreed that it is important that governing bodies and schools are clear about how money that is targeted at specific groups of pupils has been spent, and with the proposal that this information should be published. Five responses were received from the Bureaucracy Reference Group – two in favour, two mixed/neutral, and one

against. The main concerns related to the extra reporting burden for a relatively small amount of money, and the potential time schools would spend working out how best to present the information. The Department will mitigate this by providing some brief suggestions on its website about what would be appropriate.

9. Guidance

9.1 Schools will be informed of the changes through the Department's all schools 'Need to Know' email, alerts on the Department's social media and publication of more detailed information on the Department's website.

10. Impact

10.1 A full impact assessment has not been prepared for this instrument as the policy does not have an impact on the private or civil society sectors and the impact of the policy considered against the public sector threshold tests is negligible.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 The Department intends to monitor from time to time the information published by schools following the implementation of this amendment. The monitoring will assess the extent of schools' compliance, and the nature of the information published. The Department will take opportunities to draw schools' and parents' attention to the requirement and will consider whether wider use can be made of the published information.

13. Contact

Helen Walker at the Department for Education (tel: 020 7340 8298 or email helen.walker@education.gsio.gov.uk) can answer any queries regarding the instrument.