EXPLANATORY MEMORANDUM TO

THE SCHOOL INFORMATION (ENGLAND) (AMENDMENT) REGULATIONS 2025

2025 No. 600

1. Introduction

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

2. Declaration

2.1 Minister McKinnell, Minister for School Standards at the Department for Education, confirms that this Explanatory Memorandum meets the required standard.

2.2 James Astridge, Deputy Director for Improvement and Insights Division at the Department for Education, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Bethan Waterhouse at the Department for Education, telephone: 0161 600 1386 or email: Bethan.Waterhouse@education.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The School Information (England) (Amendment) Regulations 2025 ("the Regulations") require governing bodies of maintained schools (other than hospital schools) to publish on their school's website (or other website where no website is maintained for the school) a link to the specific page on the Financial Benchmarking and Insights Tool that is dedicated to their school using the unique reference number allocated to the school by the Department for Education.

4.2 Schedule 4 to the School Information (England) Regulations 2008 ("the 2008 Regulations") currently requires a link to the Schools Financial Benchmarking website which is due to be retired. The aim of these Regulations is to amend Schedule 4 so that it refers instead to the updated Financial Benchmarking and Insights Tool in order to ensure accuracy of information and maintain the levels of financial transparency in maintained schools.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 The Department for Education has offered a number of tools for providing insights to schools on how they spend their funding compared to their peers. A new tool, the Financial Benchmarking and Insights Tool, has been built, which amalgamates and replaces the existing services. The Regulations update the 2008 Regulations to require the governing body of a community, foundation or voluntary school, or any community or foundation special school which is not established in a hospital to publish on the school's website (or other website where no website is maintained for the school) a link to the school's page on the Financial Benchmarking and Insights Tool.

What was the previous policy, how is this different?

5.2 The 2008 Regulations require the governing bodies of such schools to publish a link from their own websites to the Schools Financial Benchmarking website, where the consistent financial reporting data is published. The aim of this was to ensure that maintained schools published information on their website which made them more consistent with the accountability and transparency standards that proprietors of academy trusts were already required to meet. The Schools Financial Benchmarking website is due to be retired. This amendment retains the premise of the previous policy but with an updated location.

6. Legislative and Legal Context

How has the law changed?

6.1 The 2008 Regulations prescribe school information that must be published by local authorities and schools. Regulation 10 of the 2008 Regulations was substituted by the School Information (England) (Amendment) Regulations 2012 to place a duty on the governing body of a community, foundation or voluntary school, or any community or foundation special school which is not established in a hospital to publish on the school's website (or other website where no website is maintained for the school) the information specified in Schedule 4 to the 2008 Regulations and to update the information as soon as is reasonably practicable following a change to the information and at least annually. Schedule 4 to the 2008 Regulations was amended by the School Information (England) (Amendment) Regulations 2020 so that the required information includes a link to the school's page on the Schools Financial Benchmarking website.

6.2 The Regulations amend Schedule 4 to the 2008 Regulations so that the required information is no longer a link to the Schools Financial Benchmarking website but a link to the school's page on the Financial Benchmarking and Insights Tool.

Why was this approach taken to change the law?

6.3 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 A consultation was not undertaken because the changes introduced by this legislation are minor and do not alter the existing policy position. Financial transparency has been extensively consulted on in the past. From 17 July to 30 September 2019 the

Department ran a consultation entitled "Financial transparency of local authority maintained schools and academy trusts"[1]. This consultation sought to propose ways in which the current academy transparency measures could be adapted and implemented across the maintained school sector, in order to strengthen the financial transparency and financial health arrangements for maintained schools and subsequently improve resource management in the sector. The Regulations reflect these consultations and are consistent with the previous findings and policy decisions.

8. Applicable Guidance

8.1 There is already guidance online for what maintained schools must publish on their websites. This can be found here: https://www.gov.uk/guidance/what-maintained-schools-must-publish-online. We will update this page to include the new requirements discussed above by 16 June 2025.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the burden placed on governing bodies of maintained schools to publish an updated link on their websites (or other website where no website is maintained for the school) is considered negligible.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because it does not introduce new obligations, rather updates current requirements.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is the usual contact that the Improvement and Insights Division within the Department for Education has with schools and local authorities. The team will log and review any correspondence from schools and local authorities relating to the instrument.

10.2 The instrument does not include a statutory review clause.

[1] https://consult.education.gov.uk/funding-policy-unit/financial-transparency-of-local-authority-mainta/supporting_documents/LA%20Financial%20Transparency%20Consulation.pdf

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister for School Standards has made the following statement regarding Human Rights:

"In my view the provisions of the School Information (England) (Amendment) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").