

EXPLANATORY MEMORANDUM TO
THE SCHOOL INFORMATION (ENGLAND) (AMENDMENT) REGULATIONS 2012

2012 No. 1124

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 intention is to remove the requirement for schools to produce a prospectus to free schools from unnecessary bureaucracy and introduce a requirement to publish key information online. This will ensure there is consistent published information available for parents to make informed choices while making applications to schools for their children.

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

- 3.1 None

4. **Legislative Context**

- 4.1 The Importance of Teaching - The Schools White Paper, published November 2010¹, set out the Government's commitment to free schools from unnecessary bureaucracy so that they can focus on raising standards for all children. The corresponding introduction of a requirement to publish key information online will, however, ensure that there is consistent published information available to enable parents to make informed choices when making applications to schools for their children. It is also intended to support the commitment to strengthen transparency and accountability of schools to parents and the wider community.

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**

¹ The Importance of Teaching - The Schools White Paper, published November 2010:
<http://www.education.gov.uk/childrenandyoungpeople/strategy/laupdates/a0070929/the-importance-of-teaching-schools-white-paper>

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 Frameworks Act 1998. In summary, they 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. Schools are free to determine the content, but they must publish the information required under section 317(5) of EA 1996 (SEN information).

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 These amendments to the 2008 Regulations remove the requirement for governing bodies of maintained schools to publish a school prospectus and instead introduce a new requirement for schools to publish specified information online.

7.4 Where a 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.

7.5 The requirement to publish key information online will include:

- details of the school’s pupil premium allocation and 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;
- details of the school’s curriculum, content and approach, by academic year and by subject (including details of GCSE options and other qualifications offered at Key Stage 4 (for secondary schools), and approach to phonic and reading schemes (for primary schools));
- where applicable, details or links to the school’s admission arrangements, including its selection and oversubscription criteria, published admission number and the school’s process for applications through the local authority²;
- details of the school’s policies on behaviour, charging and SEN and disability provision;

² This requirement does not apply to foundation and voluntary aided schools, which are required to publish this information already under the School Admissions Code.

- links to the school's Ofsted reports and DfE School Performance Tables and details of the school's latest Key Stage 2 and/or Key Stage 4 attainment and progress measures as presented in the School Performance Tables;
- a statement of the school's ethos and values.

7.6 The new requirement to publish on a website will not preclude schools from continuing to produce a printed prospectus if they choose to do so. The new requirement to update information as soon as is reasonably practicable following a change to that information will enable parents to access up to date information at any point (and not at just one point during the year they make an application for a place at the school) and will provide greater assurance that the content remains relevant and current.

7.7 The instrument will come into force on 1st September 2012. The content of school and local authority composite prospectuses for the 2012-13 admissions cycle will already have been finalised by that point. The amendments will therefore affect school website information prepared for the 2012-13 academic year and subsequent years.

Consolidation

7.8 As this is the first substantive amendment to the Regulations, there is no need to consolidate at this point. The Regulations were amended by S.I. 2010/1006, but these amendments were subsequently revoked by S.I. 2010/1874 to give schools more discretion as to what they are required to publish in their prospectuses.

8. Consultation outcome

8.1 A full 12 week consultation exercise completed in 2009, which sought views on a proposed requirement for schools to publish information online amongst other changes, only elicited 26 responses. Most of those responses did not comment on that aspect of the amendments. Therefore, a formal consultation exercise on these specific amendments to the Regulations has not been undertaken because that previous consultation exercise provided sufficient information to render a further consultation unnecessary and disproportionate.

2009 Public consultation exercise

8.2 A public consultation on the Pupil and School Information Regulations was launched in 9th November 2009 and ran to 1st February 2010. Key findings from the 2009 consultation exercise include: 70% of the 26 respondents agreed that the Regulations should be broadened to include school websites, and 65% agreed that schools should no longer be required to publish hard copies of their prospectuses (provided that a hard copy can be made available to anyone who requests it).

Subsequent engagement with stakeholder professionals and parent groups

8.3 Informal meetings, questionnaires and discussions with standing departmental front-line professionals' forums were used in 2011 to seek views and refine policy proposals. These include the Bureaucracy Reference Group, Primary and Secondary Head Teacher Reference groups, the Frontline Forum and the Education Forum sub-group.

8.4 The Bureaucracy Reference Group comprises 18 school practitioners (school leaders, classroom teachers and support staff) from a range of schools; including primary schools, secondary schools, special schools and academies and they advise the Department for Education and its agencies on reducing unnecessary bureaucracy in schools.

8.5 The 38 members of the Secondary and Primary Head Teachers' Reference Groups and the Education Forum sub-group (major workforce unions ASCL, ATL, NASUWT, NAHT, NGA, UNISON, NUT) fulfil a similar role.

8.6 The Frontline Forum is a virtual group, currently consisting of over a 100 practitioners from across the schools workforce, who respond to short online questionnaires to inform policy development and delivery. The group contains teachers, members of school leadership teams, support staff, governors and those working in local authorities.

8.7 The informal engagement also included discussions with parent representative organisations, both the National Confederation of Parent Teacher Associations (now PTA UK) representing around 12,500 schools in the UK that have a PTA and the National Governors Association (NGA) which represents over 300,000 governors.

8.8 Head teachers from the Bureaucracy Reference Group agreed that the removal of the need to produce an annual prospectus would reduce burdens and indicated that replacing this with a requirement to publish specified information online would not increase burdens significantly as many schools already publish information online. One head teacher indicated that "The relaxation of the prescription of what needs to be contained within a prospectus is welcome and has the potential to save around 2-3 working days". (Bureaucracy Reference Group (head teachers, teachers and business managers)).

8.9 Some representatives of teachers in the Heads Reference Groups and the Education Forum sub-group indicated that most schools would continue to produce a prospectus for marketing purposes and therefore doubted that the removal of the requirement would save schools money. In terms of the specific potential requirements, however, they indicated that schools do need to be transparent on issues such as the curriculum and charging.

8.10 The NGA representatives of school governors indicated that they would like to see improved parental engagement by schools and governing bodies but raised concerns about schools' abilities to fund changes to their websites.

8.11 Parents and parent representative organisations, both the PTA UK and NGA, thought that the proposals would on the whole be positive. Some of the feedback indicated that parents currently view school websites as poor sources of information and that they would welcome a minimum standard being set. In particular parents cited the convenience of online publication which enabled them to find information when they need it. Parents supported a requirement for richer information about schools to complement the currently available information on school performance. Many parents felt that the amount of information currently on school websites was insufficient and that they might be more likely to make use of them if they were more comprehensive.

9. Guidance

9.1 Schools have been informed of the changes through the Department's 'Need to Know' email which was issued to all schools on 12 January 2012, alerts on the Department's social media and publication of more detailed information on the reducing bureaucracy section of the Department's website. The changes have also been communicated through meetings with the Bureaucracy Reference Group, Primary and Secondary Head Teacher Reference groups and Education Forum sub-group members, all during January and February 2012.

9.2 Further communication activity, including stakeholder engagement through parent representative organisations such as the PTA UK and NGA will be made as the regulatory changes progress through Parliament and before they are due for implementation in September 2012.

10. Impact

10.1 A full impact assessment has not been prepared for this instrument as the policy does not 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 business.

12. Monitoring & review

12.1 The changes set out in this instrument aim to create significant savings as schools increasingly avoid the costs of creating and printing school prospectuses every year and instead incur the cost of creating and maintaining a website. This may be cost-neutral in the short term (as some schools will have greater costs and some lesser costs) however, in the medium to long term, savings for schools will grow (as they would not need to re-create websites or pay production and printing costs for prospectuses in subsequent years (though some may choose to do so)).

12.2 The outcome will be subject to internal review, after 12 months of the regulations being implemented, as part of the Department's wider work to reduce bureaucracy for schools. We will also be alert to any feedback from practitioners and will take advantage of any opportunities to identify concerns. Legislation may be amended accordingly.

13. Contact

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