

Summary: Intervention & Options

Department /Agency: DCSF	Title: Impact Assessment of Amendments to the Education (Independent Schools Standards) (England) Regulations	
Stage: Final	Version: 1.0	Date: December 2008
Related Publications:		

Available to view or download at:

<http://www.>

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What is the problem under consideration? Why is government intervention necessary?

The Education (Independent School Standards) (England) Regulations 2003, the legislation setting out the standards which all independent schools must meet, have worked well since they were introduced in September 2003 and the Government wishes to leave them substantially unchanged. However, the Government has identified a number of changes that are necessary to reflect current guidance and legislation and also effect proposals to reduce the administrative burden on independent schools.

What are the policy objectives and the intended effects?

The objective is to ensure parents and independent schools are aware of the guidance and legislation that impacts on independent schools. Further, the amendments form part of the Government's commitment to reduce the administrative burden on schools following the Hampton Report in 2005.

What policy options have been considered? Please justify any preferred option.

The preferred option is to make the necessary amendments to the regulations to ensure parents and schools benefit from an increased awareness of the guidance and legislation for independent schools and a reduction in the administrative burden on schools (option A).

The other option is to do nothing which means that neither parents nor schools benefit (option B).

Following consultation we have decided to proceed with preferred option A and make the proposed changes to the regulations.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

The Independent Education and Boarding Team will review with the sector the impact of the amendments during 2010.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

..... Date:

Summary: Analysis & Evidence

Policy Option:	Description:
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' None.		
	One-off (Transition) Yrs			
	£ None			
	Average Annual Cost (excluding one-off)			
	£ None	Total Cost (PV)	£	
Other key non-monetised costs by 'main affected groups' None				

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' The proposals for reducing the administrative burden on schools are based on an independent estimate of savings of £18 million per annum.		
	One-off Yrs			
	£			
	Average Annual Benefit (excluding one-off)			
	£ 18 million	Total Benefit (PV)	£	Not estimated
Other key non-monetised benefits by 'main affected groups' None				

Key Assumptions/Sensitivities/Risks None
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Price Base Year 2005	Time Period Years	Net Benefit Range (NPV) £ 18 million per annum	NET BENEFIT (NPV Best estimate) £ 18 million per annum
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What is the geographic coverage of the policy/option?	England
On what date will the policy be implemented?	March 2009 2008
Which organisation(s) will enforce the policy?	DCSF
What is the total annual cost of enforcement for these organisations?	£ NIL
Does enforcement comply with Hampton principles?	Yes
Will implementation go beyond minimum EU requirements?	No
What is the value of the proposed offsetting measure per year?	£ NIL
What is the value of changes in greenhouse gas emissions?	£ NIL
Will the proposal have a significant impact on competition?	No
Annual cost (£-£) per organisation (excluding one-off)	Micro Nil Small Nil Medium Nil Large Nil
Are any of these organisations exempt?	No No N/A N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)
Increase of £ NIL	Decrease of £ 18 million	Net Impact £ 18m decrease

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

This Impact Assessment updates the original assessment published as part of the consultation process between 26 September 2008 and 7 November 2008. Some minor amendments have been made following consultation but the main proposals remain intact with 12 (70%) out of 17 respondents in favour of the proposals.

The policy options available were:

- a. Update references to current guidance on bullying and child protection and legislation for pupil registration and fire safety; and

Reduce the administrative burden on independent schools by removing the requirement for schools to provide parents with a range of specified policies and information:

Whilst schools may provide copies for parents if they wish to they can, instead, place these specified documents and inspection reports on their website or, if there is no website, make a copy available to view in school.

(Policies will still have to be provided on request to this Department and inspection bodies.)

- b. Do nothing

We decided on option a in order to ensure parents benefited from greater ease in obtaining information and schools benefited through reduced administration costs.

Background

The current regulations have recently been reviewed and needed updating in terms of references to current guidance and legislation. In addition, the Government accepted a recommendation made in 2005 by the Better Regulation Commission to reduce the administrative burden on businesses by 25% and these regulations contain our proposals for compliance.

Current Arrangements

There are over 2,300 independent schools in England that are registered with the DCSF. An independent school cannot open or operate unless it is registered.

Regulations made under the Education Act 2002 set out a range of standards that independent schools must satisfy as a condition of registration. These cover the:

quality of education;

spiritual, moral, social and cultural development of pupils;

welfare, health and safety of pupils;

suitability of proprietors and staff;

premises and accommodation;

provision of information and the

manner in which complaints are handled.

Independent schools are inspected either by Ofsted or by a body approved by the Secretary of State. Approximately half are inspected by Ofsted with the remaining half inspected by approved inspectorates. The Independent Schools Inspectorate (ISI) are approved to inspect Independent schools affiliated to the Independent Schools Council (ISC); the Schools Inspection Service (SIS) are approved to inspect schools that belong to Focus Learning Trust (FLT) and the Bridge School Inspectorate (BSI) has recently been approved to inspect schools belonging to the Association of Muslim Schools and the Christian Schools Trust. All inspectorates approved by the Secretary of State are monitored by Ofsted.

Independent schools that fail to meet the independent school standards must, when served with a notice, submit an action plan within a specified period of time. This plan must set out the steps that the school will take to reach the prescribed standards and the time by which each step will be taken. If steps are not taken to an agreed timetable then the school can be removed from the register of independent schools.

Rationale for government intervention

Recent changes in guidance for schools now need to be reflected in the regulations. In addition, in 2005 the Better Regulation Commission recommended that there should be a reduction in the administrative burden placed on businesses and these amendments contain the Department's proposals for complying with this recommendation with regard to independent schools.

Public Consultation

The consultation ran from 26 September 2008 to 7 November 2008 and was accompanied by this Impact Assessment.

17 responses were received and 12 (70%) of respondents were in favour of the proposals. The following changes have been made:

- The proposal that teaching at the school “shall be effective in ensuring pupils behave responsibly” has been changed to “utilise effective strategies for managing poor behaviour and encouraging pupils to act responsibly” in order to enable effective inspection.
- The requirement for schools to provide details to parents and prospective parents about academic performance has been amended to make it clear that this refers to the school's performance.
- Inspection reports will continue to be sent direct to parents but may be provided either electronically or by hard copy.
- The child protection policy may be made available on-line but must be provided direct to parents on request, either electronically or in hard copy, where there is no school website.

Costs and Benefits

Sectors and groups affected

Parents, children and independent schools.

Benefits

Standards in independent schools will be improved by an increased awareness of relevant guidance and legislation and the administrative burden on independent schools will be reduced. The Government cannot identify any risks or unintended consequences of implementing this package of changes.

Costs

There will be no additional costs associated with updating references to current guidance and legislation. Independent schools have already been made aware of changes to the Safeguarding guidance and have been inspected against these accordingly. The current guidance on dealing with bullying does not differ greatly from previous guidance. Instead, it expands on what constitutes bullying and how schools can successfully manage it. Good schools see dealing with bullying as a priority and will already have a range of strategies in place. The administrative burden on independent schools will be reduced by around £18million per annum.

Analysis and Evidence

Following the recommendation made by the Better Regulation Commission that there should be a reduction in administrative burdens on businesses an independent consultancy was commissioned to assess the cost to the independent school sector of complying with regulatory regimes. The views of independent schools and associated bodies were sought on costs and, after removing “business as usual costs”, ie the cost to schools of undertaking functions essential to the running of a school, the cost to the sector of complying with the regulatory standards was assessed, using the internationally recognised standard cost model, as £44.1 million. A large part of this was attributed to the cost of providing information to parents in paper form.

We identified several provisions of information requirements that could be equally well served via electronic means for the vast majority of parents and schools.

Based on costs estimated by the independent consultancy this should save the sector around £18 million per annum. Following implementation we will review their impact, with the sector, in order to assess the savings

Small Firms Impact Test

635 independent schools have less than 100 pupils (i.e. 29% of the sector). Of these, 417 do not have charitable status and are therefore operating as small businesses (i.e. 19% of the sector). When independent schools were consulted in 2003, when the new registration arrangements were introduced, only 48 (12%) of schools that were operating as small businesses responded. Generally, schools indicated that the introduction of standards brought benefits in terms of improving the quality of the education and care of pupils and by providing a clear framework for inspection purposes.

Competition Assessment

There are around 2,300 independent schools in England of which about 50% are charities.

Independent schools vary in size depending upon the market they target. Some are small schools catering for children with special educational needs with placements paid for by the local authority. Others are small schools catering for pupils from minority faiths. Some 635 independent schools have less than 100 pupils. No independent school has more than a 10% market share. There will be no effect on the market structure as the proposals apply equally to all schools

Enforcement, sanctions and monitoring

The current systems for enforcement, sanctions and monitoring will continue to apply.

Implementation and delivery plan

All independent schools, inspectorates and associations will be notified direct of the amending regulations.

Post-implementation review

To be carried out in 2010.

Summary and Recommendation

That in light of a favourable response to the consultation the changes outlined above are made to the Education (Independent School Standards)(England) Regulations 2003.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	Yes
Rural Proofing	No	No

Equality Screening Impact Assessment

Introduction

The Department has a duty to assess the likely impact on gender, minority ethnic groups, those with disabilities and human rights of legislation that we propose to introduce. Everyone should have an equal opportunity to meet their aspirations, realise their full potential and improve their life chances.

Context – Standards and equality and diversity

The focus of the Standards is to ensure a satisfactory level of provision in independent schools in the following areas:

The quality of the education provided;
The spiritual, moral, social and cultural development of pupils;
The welfare, health and safety of pupils;
The suitability of proprietors and staff;
School premises and accommodation;
The provision of information; and
The manner in which complaints are handled.

The current regulations containing these standards may be found at:

<http://www.legislation.hmsso.gov.uk/si/si2003/20031910.htm>

In addition, during inspection accessibility plans as required by the Disability Discrimination Act 1995 will be examined.

These standards support the Every Child Matters initiative and are fully inclusive of all registered independent schools and their pupils, regardless of their ethnicity, culture, religion or belief, home language, family background, disability or special educational need, gender or ability.

The proposed amendments to these regulations do not impact more heavily on one group than another and nor do they infringe any human rights.