

**EXPLANATORY MEMORANDUM TO
THE EDUCATION (SUPPLY OF INFORMATION ABOUT THE SCHOOL
WORKFORCE)(ENGLAND) REGULATIONS 2007**

2007 No. 1264

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

2. Description

2.1 These Regulations impose a duty on schools and local authorities to supply items of data about each member of the school workforce to the Department for Education and Skills (the Department) when requested to do so. They also specify which items of information should be provided, how they will be used and with whom they may be shared.

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

3.1 None.

4. Legislative Background

4.1 This instrument outlines the information that schools and local authorities are expected to supply to the Department about each individual member of the school workforce. It represents the first use of the powers in sections 113 and 114 of the Education Act 2005.

4.2 The instrument states how the data may be used and with whom the data may be shared. In the case of some partner organisations, such as the General Teaching Council for England, this draws upon their existing legal right to hold individual level data about members of the school workforce.

4.3 The Commons Select Committee on Education and Skills reported on 21 September 2004 that ‘It would be a significant step forward if there was to be agreement between the different organisations on the form of data to be collected so that schools are asked only once to provide the information and a consistent interpretation of the trends is possible’ [*Secondary Education: Teacher Retention and Recruitment. 5th Report of Session 2003-04, volume 1, p.10*]. This instrument, by enabling the collection of individual level data to a set of common definitions and allowing the data to be shared with partner organisations, helps to make that step forward a reality. The sharing will mean that schools will no longer be asked to respond to uncoordinated surveys from official bodies, possibly at different times of year and using different definitions.

4.4 There was some debate about the need to collect this information during the passage of the Bill through Parliament in October 2004. The most relevant points can be found in the House of Lords Hansard, volume 665, columns 451-453.

4.5 Various undertakings have been made by the Department to implement a School Workforce Census. These include the Department's response to the Smith Inquiry into Mathematics: *'The inquiry noted that we know relatively little about the characteristics of mathematics teachers and, in particular, of what qualifications they hold. In the past, our understanding of this key question has been based on an irregular survey of a small sample of secondary schools. The Inquiry felt that we needed a more complete understanding of exactly who is teaching mathematics in our schools and colleges as a basis for policy making. We [the Department] agree.'* [Making Mathematics Count; DfES; 2004].

4.6 More recently, in his answer to PQ118837 on 6th February 2007, the Minister for Schools said *'The Department is developing a school workforce database to enable the collection of individual level data about all people who work in maintained schools in England. This is planned for national rollout in 2010 and will include data both on teacher ethnicity and on pay awards.'* [House of Commons Hansard, column 859W].

4.7 A National Statistics Review of School Workforce Statistics, published in 2004, recommended the introduction of the School Workforce Common Basic Data Set (CBDS) and the School Workforce Census. The review steering group included representatives from the Teacher Training Agency (now the Training and Development Agency for Schools), the General Teaching Council for England, the Employers Organisation for Local Government and secondary and primary school head teachers.

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

7.1 The development of a New Relationship with Schools (NRwS) is a key part of the Government's agenda to reform the education system to focus more keenly on raising standards for all through personalised learning. By freeing them from unnecessary burdens and making sure demands for information are not duplicated, NRwS gives schools more time and resources to dedicate to teaching and personalised learning. The relationship is based on a high degree of professional trust. Schools have more autonomy to determine their improvement priorities, and the appropriate support packages that will enable them to deliver these.

7.2 There are four key principles which underpin how data collection should be rationalised to fit with the NRwS policy initiative:

- a) Data should be collected once and used many times.
- b) Collection and sharing of data should be fully automated.
- c) The value of any data collected should demonstrably outweigh the costs.
- d) Personal data on individuals should be properly protected.

Sixteen partner organisations, such as the Training and Development Agency for Schools, the Local Government Association and the National College for School Leadership have also committed to achieving these principles by signing a Data Sharing Protocol.

7.3 Current national level data collections about the school workforce are both inefficient and burdensome for schools. Different parts of Government make their own data collections and waste valuable time and effort at school level. The data collected is often incompatible and fails adequately to cover some key areas such as teachers' qualifications.

7.4 This inefficient approach to data collection also impacts on schools and local authorities. They are asked to respond to requests for information at different times of year and using different definitions. It is not feasible to continue with this approach in the long term. The School Workforce Census (the Census) should streamline the collection process in schools and local authorities, as well as delivering significant improvements in the quality, timeliness and utility of school workforce statistics. The Census is supported by the Implementation Review Unit, which has a remit to reduce bureaucracy in schools, because of the significant benefits to schools and local authorities.

7.5 Following the successful introduction of the Census, the Department is committed to phasing out three existing surveys of the school workforce. Two other surveys of teachers, conducted by signatories to the Data Sharing Protocol, will also cease when the Census starts as the Department will be able to share the relevant data with partners. These collections are:

- a) Form 618G: the annual survey of teacher numbers and teacher vacancies (including sickness absence and teacher ethnicity).
- b) The workforce elements of the Annual School Census.
- c) The Secondary School Curriculum and Staffing Survey.
- d) The Pay Survey, run by the Office of Manpower Economics on behalf of the School Teachers' Review Body.
- e) The Teacher Resignations and Recruitment Survey, run by the National Employers Organisation for School Teachers – part of the Employers Organisation for Local Government.

7.6 The data collected through the Census will enhance the evidence base available to inform policy making, particularly around the recruitment, retention and turnover of the workforce, equal opportunities and diversity, the qualifications of the workforce and deployment of specialist teachers. The data may also be matched with other data collected about a school through the School Census.

7.7 The majority of data items to be collected by the Department are items which the school or local authority will require for their own purposes, for example the contract and pay details of an individual.

7.8 The data collected may be shared with a number of partner organisations. This will be for evaluation, planning, statistics and research purposes only. This data sharing is a key element of reducing the burdens on schools as it enables us to meet our

aspiration to collect data once and use it many times. However, each case will be determined on its merits and subject to approval. Confidentiality agreements will be used to ensure that data is only shared where it is appropriate to do so and that the data is only used for the stated purpose.

7.9 The Department may use the information collected through the Census to obtain samples for research or statistics. These surveys may be carried out by research agencies working under contract to the Department and participation in such surveys is voluntary. This is a continuation of the Department's current practise.

7.10 To meet the requirements of the Data Protection Act 1998, employers need to issue a 'Fair Processing Notice' to all members of the workforce covered by the Census summarising the information held about them, why it is held and the third parties to whom it may be passed on. The Department has provided the text of the Fair Processing Notice and guidance on issuing it to employees. This has also been shared with the Information Commissioner.

7.11 Because teachers' careers can span 40 or more years, our current intention is to retain all individual level data. The length of time for retention of the data will need to take into account relevant limitation periods for any possible legal action arising from the data collection or operation of the database containing the data collected. This policy will be kept under review.

7.12 As the Regulatory Impact Assessment sets out, the consequences of not implementing this new system include:

- a) Schools will continue to use valuable resources on providing data to fit the varying needs of users. This is not consistent with the requirement to reduce bureaucracy contained within the National Workforce agreement.
- b) The aim to collect data once and use many times will not be met.
- c) School performance will be impeded by the continuing inefficient use of resources on data collection and because they will not have easy access to comparative data they need for their own use – for example, workforce turnover, workforce ethnicity, workforce pay progression.
- d) The improvement in school workforce data that the DfES and other users reported to the National Statistics Review will not be possible.

Consultation

7.13 The Adult (now School Workforce) Common Basic Data Set (the CBDS) was formally consulted on in 2002. Forty three responses were received: 36 from Local Authorities, 3 from teacher unions, 1 from a support staff union, 1 from a diocesan body and 2 others. In general most respondents agreed with the categories that the Data Items had been arranged within. Although many commented that the data would be useful they were concerned about the resources needed to gather the data and requested further clarification of various aspects of the Data Items. Several respondents also mentioned that the data could be unreliable and difficult to collect. The CBDS and the plans for collection were altered to take these comments on board.

7.14 Draft regulations were available when the Bill was going through Parliament in late 2004/early 2005. The Regulatory Impact Assessment, published at the same time, sets out the breadth of consultation undertaken.

7.15 The regulations, in draft form, were subject to an informal consultation in December 2006 and January 2007 with over 200 stakeholders, including all Local Authorities, all known companies responsible for providing Management Information Systems software to schools, all Data Sharing Protocol signatories and all members of the Workforce Agreement Monitoring Group which includes those teacher and support staff unions and employers who are working in partnership with the Government. Responses were also invited from other parties via TeacherNet.

7.16 Fourteen responses were received. Two of these raised specific points which have all been resolved. Other responses raised a number of issues for consideration. The most frequently mentioned response was around workload, with 5 respondents mentioning concerns about the initial workload associated with the census and the timings. In response, the Department has changed the deadline for the return of data from fourteen days to twenty-seven days. The majority of data items will be required by schools and local authorities for their own purposes and the data requirement will be known in advance of the Census date. The School Census regulations allow 14 days for responses so we feel that this extended deadline should allow sufficient time, although it will be kept under review.

7.17 Schools, local authorities, teaching and support staff unions and partner organisations such as the General Teaching Council for England have been consulted about the project on an ongoing basis since 2002. Their views and comments have been valuable in shaping the project.

Guidance

7.18 Guidance is being prepared and will be available electronically to Local Authorities. The guidance was consulted on at the same time as the draft regulations and with the same groups of people. The guidance has been revised in light of the responses received.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum.

8.2 The impact on the private sector is limited to those companies providing management information software systems to schools and local authorities, or any third party managing information on behalf of a school or local authority. We are actively working with software suppliers to ensure that their systems can meet the Department's requirements.

9. Contact

9.1 Helen Barugh at the Department for Education and Skills, Tel: 020 7925 6071 or email: helen.barugh@dfes.gsi.gov.uk can answer any queries regarding the instrument.

Annex A

COLLECTING INDIVIDUAL LEVEL DATA ON THE SCHOOL WORKFORCE

Purpose and Intended Effect

Objectives

The aim of the legislation is to enable the establishment of an efficient system for collecting, storing and sharing school workforce data. This system, outlined in *A New Relationship with Schools*¹, will be designed using the principle ‘collect once, use many times’. A highly co-ordinated approach using the standard definitions of the Adult Common Basic Data Set (ACBDS) will enable raw data from schools to be collected and processed centrally and shared with appropriate partners. This sharing will mean that schools will no longer be asked to respond to un-coordinated surveys from official bodies, possibly at different times of year and using different definitions. The aim is to develop a system that frees schools to focus on front line delivery but still provides the information that LEAs, the Government, other parties and schools themselves need.

Such a system has to be based on individual level data: this is the key to releasing schools from the burden of providing data aggregated in various ways to various parties.

Data will be collected for all teachers and school support staff who are employed in the maintained sector. The data set will include some personal details and information about employment, pay and qualifications. The purpose of collecting the data in this form for the DfES is for statistical research, planning and evaluation purposes.

The data should also be valuable for the schools and LEAs supplying it in the future. In most cases the data will only be analysed and made available more widely in an aggregate form that does not allow any individual to be identified. The only exceptions to this will be the sharing of individual level data with those organisations that already have existing statutory powers to access it in this form.

Basic information on support staff and teachers will be the base information for our School Workforce Database. Therefore it is likely to include information on people who have gained Qualified Teacher Status (QTS) but did not go into teaching and also those who are working in sectors other than the maintained sector. As the information builds up it is also likely to contain information on people who have gained Higher Level Teaching Assistant (HLTA) status, but may not have gone into service.

Background

Currently information on teachers is collected via a variety of routes. These are:

- (i) The annual survey of teacher numbers and vacancies (including sickness absence and teacher ethnicity) – **Form 618G**. This is a series of tables that LEAs are asked to return based on the situation on the third Thursday in January;
- (ii) The Database of Teacher Records (**DTR**). This is the database of teachers at individual

¹ This document, a joint publication by DfES and Ofsted, can be found at <http://www.teachernet.gov.uk/educationoverview/briefing/currentstrategy/newrelationship/>

- level that is collected for the teachers' pension scheme purposes;
- (iii) Annual School Census (ASC). This collects information on the number of teachers and support staff in schools, but no other information (for example, grade, pay, age etc.);
 - (iv) Secondary School Curriculum and Staffing Survey (SSCSS). This counts the number of teachers teaching various subjects and the qualifications they have. It is carried out approximately every four years;

There are various overlaps in these data collections that schools and LEAs are aware of and carrying on with these four separate collections into the long term is not feasible. In addition to DfES surveys, schools also service numerous other parties.

The DfES proposes to develop a School Workforce Database (SWD), containing adult level data, to resolve the problems associated with uncoordinated non-standard data collections. Not only will this relieve data collection burdens, it will also deliver very significant improvements in the quality, timeliness and utility of school workforce statistics.

The National Statistics Review of School Workforce Statistics recommended the implementation of the ACBDS and the SWD and all the members of the steering group were signed up to both. The steering group, who have been key stakeholders in driving the implementation forward, included representatives from the TTA, General Teaching Council (GTC), Local Government Employers Organisation and secondary and primary school head teachers.

Risk Assessment

Legislation for an efficient system for data collection and sharing is required in order to alleviate the problems currently encountered by schools. The consequences of not implementing the new system include:

- Schools will continue to use valuable resources on providing data to fit the varying needs of users. This is not consistent with the requirement to reduce bureaucracy contained within the National Workforce agreement;
- The aim to collect data once and use many times, as set out in *A New Relationship with Schools* will not be met;
- School performance will be impeded by the continuing inefficient use of resources on data collection and because they will not have easy access to comparative data they need for their own use e.g. workforce turnover, workforce ethnicity, workforce pay progression;
- The improvement in school workforce data that the DfES and other users reported to the National Statistics Review will not be possible.

Options, Costs and Benefits

Option i): Do nothing. Maintaining the status quo, as outlined in the background, is not sustainable in the long term. There are no real benefits to schools with this option. Feedback from schools suggests that they object to the existing system and want a coherent, co-ordinated approach to data collection.

<i>Aspects of Option</i>	<i>Cost of option</i>	<i>Risks of option</i>	<i>Benefits of option</i>
<i>No reduction or rationalisation of surveys</i>	<i>The burden on schools and LEAs will remain</i>	<i>Schools and LEAs are constantly asking for the duplication of data collections to stop –schools may refuse to complete some surveys where there is no statutory requirement on them to do so</i>	<i>No change to status quo No change management actions required at school and LEA level</i>
<i>Maintain collection of aggregated data on teachers through 618G</i>	<i>Inaccurate data provided by schools and LEAs In many LEAs, it incurs a large school and LEA effort to complete</i>	<i>DfES not responding to requests to lower the burden</i>	<i>Familiarity Can base this year's return on previous returns if running late</i>
<i>Maintain collection of limited range of data on support staff through PLASC</i>	<i>DfES will not be able to monitor the effectiveness of the policies on school workforce reform</i>	<i>DfES will not have any detailed information on support staff in schools</i>	
<i>Continue to use Database of Teacher Records as research data source on teachers</i>	<i>The most recent information we currently have on teachers' salaries, age and gender is taken from the DTR and is two years out of date</i>	<i>DTR reports a 20% error rate with their data. To continue to base policy decisions on data this out of date is not sustainable in the long term</i>	<i>Familiarity</i>
<i>Continue sample survey SSCSS to find out qualifications of teachers</i>	<i>A burdensome exercise only carried out at four yearly intervals</i>	<i>Small numbers means validity of results questionable</i>	

Option ii): Extend current surveys to include aggregate data on support staff

The current gap in our knowledge is mainly on support staff

<i>Aspects of Option</i>	<i>Cost of option</i>	<i>Risks of option</i>	<i>Benefits of option</i>
<i>Aggregate data collection</i>	<i>The number and range of support staff are increasing under Workforce Reform, so effort involved in collecting the data and then aggregating it either at school and LEA level will be substantial and time consuming.</i>	<i>Significant load on schools and LEAs therefore they may refuse to complete the survey. Aggregated data inaccurate and expensive to analyse and manipulate. If decision taken to limit coverage of support staff to lower fields to complete, then information is incomplete</i>	<i>Comparable data would be collected about teachers and support staff</i>
<i>Extend survey 618G to include support staff and continue collection of support staff data in PLASC (or amalgamate into 618G)</i>	<i>Would more than double size of 618G as higher number of support staff roles, ie 575 fields for completion about teachers, would increase to more than 1000 if support staff included as the number of tables needing to be completed would be large. Large increase in load on LEAs to coordinate return of data</i>	<i>Schools and LEAs may refuse to complete surveys. If decision taken to limit coverage of support staff to lower fields to complete, then information is incomplete. Large load on DfES staff to analyse and tabulate data therefore delays in publishing data.</i>	<i>618G is a familiar survey. Comparable data would be collected about teachers and support staff</i>

**Option iii): Put regulations in place to collect data on the entire school workforce
(Preferred option)**

This would allow the vision for school workforce data to be fulfilled.

<i>Aspects of Option</i>	<i>Cost of option</i>	<i>Risks of option</i>	<i>Benefits of option</i>
<i>The data would be held at individual level on school and LEA systems</i>	<i>Initial workload in populating management information systems at schools - £9m will be made available as top up funding to assist. The main costs for the schools will be in the cost of the staff time that will be needed to enter the data into their school management information system's personnel module and then maintain the data as events cause it to change. Indicative enquiries show there are two processes to be timed for accurate estimates: the time required to gather the data from the variety of sources (spreadsheets, documents, payroll systems, the individual) – 10 to 50 minutes; and the time required to enter that data in the Management Information System - 5 to 10 minutes.</i>		<i>LEAs and schools will be able to use the data in their day to day management of the school. The initial data collation and load would have a cost but this can be seen as an invest-to-save opportunity. The resource required for on-going information maintenance is likely to be less than that required for the variety of requests for data that are currently serviced. Sharing data between schools, as workers change posts, will benefit schools eg static data such as ethnicity and initial qualifications can move with the teacher rather than the new school having to collect afresh</i>

<p><i>Individual data on the school workforce would be collected</i></p>	<p><i>There would be an initial project cost to set up the process and technical infrastructure to enable the regular transmission of the data. The ongoing cost would be the updating of the data that schools and LEAs should be carrying out as part of their day to day business</i></p> <p><i>Small schools will have fewer staff about which to record data. However it is likely that the funding will be distributed with rural uplift accounted for.</i></p> <p><i>The project communication plan will need to ensure that relevant people are clear that any data published will not be able to identify individuals;</i></p> <p><i>Stringent security measures for SWD access will need to be applied.</i></p>	<p><i>Human Rights implications and individuals' views about the collection of personal information;</i></p> <p><i>People's concerns about the application of DPA need to be fully addressed</i></p>	<p><i>The burden would be kept to a minimum if this data was transferred directly to a central repository from LEAs</i></p> <p><i>Will enable powerful analysis to take place for the Department, Ministers, MPs and beyond.</i></p> <p><i>The data currently collected via the ASC, SSCSS and 618G would be derived from the individual data loaded on the SWD</i></p> <p><i>The analysis of the available data becomes more powerful and enables more useful reporting back of comparative data to schools and LEAs.</i></p>
<p><i>Surveys will be eliminated so requests for duplicate data will disappear.</i></p>	<p><i>Schools are not generally against providing relevant data but they object strongly to being frequently asked for similar data but with differing definitions and timeframes</i></p>		<p><i>The DTR, which stores individual data on teachers for the teachers' pension scheme suffers from significant delays. The DTR will benefit from using the SWD to update its data</i></p>
<p><i>Will move from schools and LEAs holding school workforce data in a variety of non-integrated systems, both computer based and paper based.</i></p> <p><i>(Some schools don't</i></p>	<p><i>Licence fees for the management information system are part of a school's and LEA's current running costs and it is unlikely these will increase substantially as a result of this work</i></p> <p><i>Given that schools need to have governance and management systems for Human</i></p>		<p><i>Data is more accurate if collected at source, ie schools, then transmitted to DfES via LEAs who can check and add data; carrying out analysis at DfES;</i></p> <p><i>A flexible implementation plan will minimise the capital</i></p>

<p><i>currently hold school workforce data although their Management Information Systems do have personnel modules)</i></p>	<p><i>Resources and Payroll in place, it is likely that most of them will already have significant detail about their staff, therefore high additional costs are unlikely to accrue</i></p>		<p><i>investment required on all parties in moving to data being held at source.</i></p>
<p><i>Scalable to include independent schools, Early Years establishments, FE colleges, Children's workforce at later stage if required</i></p>			

Equity and Fairness

One of the drivers for collecting the school workforce information is to enable effective monitoring of compliance with the Race Relations Amendment Act and Disability Discrimination Act through analysis of recruitment and retention, salaries, promotions and continuing professional development opportunities of people from ethnic minorities and those with disabilities. Hence the implementation of this initiative will have a positive impact on the equality and fairness with which the school workforce is treated.

Small Firms Impact Test

There will be minor enhancements required to management information systems in use in schools and in some LEAs. For the larger suppliers, this enhancement work is unlikely to have an impact. However for minority suppliers the cost benefit analysis is unlikely to be as positive.

Monitoring and Review

The SWD will be subject to post implementation review one and three years after implementation. The review will assess how far the anticipated benefits have been realised. Feedback will be sought from schools, LEAs, partner organisations and DfES colleagues on the benefits delivered both in terms of reduced burdens and the provision of better quality information.

Consultation

Consultation on the SWD has taken place within Government and within the public sector (and will continue as development progresses):

- The National Statistics Review of School Workforce Statistics recommended its implementation and all the members of the steering group were signed up to the SWD. The steering group included representatives from the TTA, GTC, Local Government Employers Organisation and secondary and primary school head teachers;
- In a wider consultation 27 LEAs and 23 schools have been involved in workshops to gain their views on implementing the SWD, these have been positive;
- All schools and LEAs have the opportunity to provide further feedback using the departmental website (TeacherNet);
- Other partner organisations have been consulted individually, ie GTC, NCSL, TTA and NAHT;
- GTC and TTA are represented on the Steering Group for ACBDS/SWD;
- The ACBDS/SWD Project Manager attends and consults with the GTC Teacher Data Forum which has representatives from:
 - Local Government Employers Organisation
 - Office of Manpower Statistics
 - General Teaching Council England and Wales
 - Higher Education Statistics Agency
 - Teacher Training Agency,

- National College of School Leadership
 - Qualifications and Curriculum Authority
 - Secondary Heads Association,
 - National Association of Head Teachers,
 - Association of Teachers and Lecturers,
 - National Association of School Masters and Union of Women Teachers,
 - Professional Association of Teachers
 - National Union of Teachers
 - Institute of Policy Studies in Education, London Metropolitan University
 - Universities of Liverpool, Nottingham and Newcastle
 - Open University
 - LSE;
- Policy colleagues within DfES have been consulted with regard to their data requirements so amalgamation and/or reduction of surveys can be planned for as part of the project;
 - Regular meetings to plan and monitor system enhancements are held with suppliers of school and LEA Management Information Systems.

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Summary and Recommendation

In summary, the key points are:

- This regulation will provide for the improved data with reduced burdens that is required by the New Relationships with Schools;
- The availability of disaggregated data about the whole school workforce is fundamental to measuring the achievement of the government's initiative of school workforce reform;
- Wide consultation is ongoing to ensure the development will meet stakeholder expectations;
- The implementation plan incorporates a low risk approach and is flexible to take account of local differences among LEAs and schools;
- There will be rigorous evaluation of the achievement of the benefits in the post implementation review.

It is therefore recommended that legislation is put in place to enable the implementation of Option iii) to collect individual level data on the entire school workforce.