

**EXPLANATORY MEMORANDUM TO**  
**THE EDUCATION (LOCAL AUTHORITY AND SCHOOL PERFORMANCE**  
**TARGETS) (REVOCATION AND AMENDMENT) (ENGLAND)**  
**REGULATIONS 2010**

**2010 No. 3014**

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 These Regulations revoke the Education (Local Authority Targets) (England) Regulations 2005 (SI 2005/2450) (“the 2005 Regulations”), as amended, so removing the requirement for local authorities to set education performance targets and to submit these targets to the Secretary of State for approval. Regulations which have amended the 2005 Regulations are also revoked.
  - 2.2 These Regulations also amend the Education (School Performance Targets) (England) Regulations 2004 (SI 2004/2858) (“the 2004 Regulations”) to include a requirement for local authorities to submit school targets to the Secretary of State. This provision will replace the existing requirement for local authorities to submit school targets to the Secretary of State, which is presently included in the 2005 Regulations which are being revoked.
3. **Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]**
  - 3.1 None
4. **Legislative Context**
  - 4.1 The 2005 Regulations require local authorities to set performance targets annually and submit these to the Secretary of State by the 31st January of the calendar year in which the school year starts (regulation 3 of the 2005 Regulations). The targets may be modified if the Secretary of State is not satisfied with the targets set (regulation 4 of the 2005 Regulations).
  - 4.2 These Regulations are being made in order to revoke the 2005 Regulations, thereby releasing local authorities from the bureaucratic burden of setting annual education performance targets and submitting these to the Secretary of State for approval. Associated regulations which have amended the 2005 Regulations are also revoked, to the extent indicated in the Schedule to the Regulations.
  - 4.3 The 2004 Regulations require the governing bodies of maintained schools to set targets and submit details of these targets to local authorities by 15th January in the relevant school year. The 2004 Regulations are amended

so that local authorities will be required to provide information about school targets to the Secretary of State by 31st January each year. This requirement will replace the existing requirement on local authorities to provide information about schools targets to the Secretary of State by 31st January, which is currently found in Regulation 5 of the 2005 Regulations, but which is being revoked by these Regulations.

4.4 A minor amendment is also made to the 2004 Regulations, removing an incorrect reference to regulation 4, which was revoked in the amendments to the 2004 Regulations made by S.I. 2008/3086.

## **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**

- What is being done and why

7.1 The Government has made a policy commitment to reduce bureaucracy and to shift power down from central government to local authorities and schools. In line with this commitment, the Secretary of State wrote to all local authorities on 4 November 2010 announcing that they would no longer be required to set statutory education performance targets. Supporting guidance for the 2012 target setting round also explained that local authorities would no longer be required to set statutory education performance targets and the regulations would be amended accordingly. Local authorities will instead be able to develop their own plans, for example around quality of Early Years provision or to support vulnerable groups across their local areas.

7.2 Schools continue to be required to set performance targets, and will submit these by 15th January 2011 to local authorities as required under the 2004 Regulations. In order to minimise changes, local authorities will still be required to submit school performance target information to the Secretary of State, so the 2004 Regulations are being amended to require local authorities to provide this information to the Secretary of State.

7.3 To ensure that burdens placed on local government by central government are reduced, the 2005 Regulations must be revoked and the relevant amendment to the 2004 Regulations in place before the next round of targets is required to be submitted by local authorities, that is, before 31 January 2011 (for the academic year 2012).

- Consolidation

7.4 As set out in the Schools White Paper (November 2010), from September 2011 schools will no longer be required to set targets. The 2004

regulations will be revoked with effect from September 2011, pending consultation.

## **8. Consultation outcome**

8.1 No consultation has taken place. We are confident that in removing this burden, local authorities will welcome the revocation of the 2005 Regulations without the need to consult. This is evidenced by the 7 September 2010 Ministerial seminar on school improvement, attended by head teachers who expressed their view that there wasn't a need for local authority targets. Small scale fieldwork was also conducted on behalf of the Department, where 3 local authorities shared their views on targets in focus groups, and which concluded that the requirement for local authorities to set targets is burdensome and unnecessary.

## **9. Guidance**

9.1 As these regulations revoke the 2005 Regulations and amend the 2004 Regulations to insert a requirement that was previously included in the 2005 Regulations, no new guidance will be required beyond the Guidance for Local Authorities and Schools on Setting Education Performance Targets 2012 which sets out these changes. Local authorities have already been informed of the proposed changes as described under paragraph 7.1.

## **10. Impact**

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 The effect of the revocation of the 2005 Regulations is to remove the requirement for local authorities to set education performance targets. The impact on the public sector is therefore beneficial in terms of removing a bureaucratic burden. The amendment of the 2004 Regulations replaces the existing obligation on local authorities to send the list of school targets set by schools to the Secretary of State, which is presently contained in the 2005 Regulations. Therefore no new obligations are being placed on local authorities. There is therefore no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 Ministers have taken the decision to remove the requirement for local authorities to set targets. Instead, performance of LAs will be monitored through data collections which will be made available to the public. This approach may be reconsidered, if a local authority causes particular concern.

### **13. Contact**

13.1 Sheila McCreary at the Department for Education (Tel: 0207 340 7973 or email: [sheila.mccreary@education.gsi.gov.uk](mailto:sheila.mccreary@education.gsi.gov.uk)) can answer any queries regarding the instrument.