

EXPLANATORY MEMORANDUM TO
THE SCHOOL INFORMATION (ENGLAND) (AMENDMENT) REGULATIONS
2017

2017 No. 37

1. Introduction

- 1.1 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 This instrument imposes a requirement on local authorities to write to parents each year notifying them of schools with atypical ages of admission within reasonable travelling distance of the local authority that their children could apply to. Local authorities will be required to write to the parents of pupils registered at a school in the local authority by no later than 12 September each year. The instrument includes transitional arrangements for academic year 2016/17.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 The instrument is being made to introduce a new requirement on local authorities, following a policy decision by Ministers with the aim of supporting schools with an atypical admission age to be more widely known about.

5. Extent and Territorial Application

- 5.1 This entire instrument applies only to England
5.2 The territorial application of this instrument is 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 A requirement is being placed on local authorities to send information, either by post or by electronic mail, to parents each year by no later than 12 September about

atypical schools within a reasonable travelling distance which their child may apply to. An example of such a school is a University Technical College which normally admits pupils at age 14, into national curriculum Year 10. Currently local authorities are not required to notify parents that there are such schools which their pupils may apply to. Experience of such schools has shown that where a local authority writes to parents about these schools it has a positive impact on the number of pupils applying to these schools. Where local authorities have not written to parents, such schools have struggled to recruit a sustainable number of pupils.

- 7.2 Based on this experience, making it a requirement for local authorities to write to parents will raise awareness amongst parents and pupils of atypical schools, which will help improve pupil recruitment rates at such schools. Projected pupil numbers up to and including the 2021/22 academic year suggest that there will be between 550,000 and 650,000 pupils of the appropriate age each year whose parents will be written to by all local authorities in England. Local authorities will be funded each year for this new requirement.
- 7.3 The Department considered encouraging local authorities to write to parents each year about atypical schools within a reasonable travelling distance which their child may apply to, but felt that this would not have the desired impact as not all local authorities would choose to do so. The Department also considered requiring schools to write to parents of pupils currently on their roll, but decided that it was more appropriate for local authorities to do so given they already notify parents of all schools in their area with a typical admission age and given they have systems in place to do this, which schools do not.
- 7.4 The instrument includes transitional arrangements for academic year 2016/17 which requires local authorities to write to parents no later than 14 March 2017.
- 7.5 There will be some public interest in this instrument, given the impact it will have on local authorities and the potential impact it will have on schools; both those with atypical ages of admission and those schools with pupils who may apply to such schools, having been written to by a local authority.
- 7.6 A Tax Information and Impact Note has not been prepared for this Instrument as it contains no substantive changes to tax policy.

Consolidation

- 7.7 The Department does not intend to consolidate the legislation.

8. Consultation outcome

- 8.1 The Department wrote to all local authorities in England, inviting their view on the proposed change to require local authorities to write to parents each year of atypical schools within reasonable travelling distance that their children could apply to. Local authorities were written to on 22nd November and had until 20th December to respond. The Department did not deem it necessary to consult more widely on the proposed change to legislation given the change only affects the workload of local authorities themselves.
- 8.2 The Department received 45 responses. 11 responses were positive about the proposed change, whilst 18 were against including the London Inter Authority Admissions Group on behalf of all London local authorities (though some London authorities also

wrote separately). The remaining 16 responses did not indicate a strong view either way.

- 8.3 Most responses were to the effect that this would be a new burden on local authorities. The Department agrees with this and local authorities will be funded for this new requirement, on the basis of pupil projections for future years. The other common theme from responses was that the requirement would only be manageable if local authorities write to parents with pupils on roll at schools in the authority, rather than those resident in the authority. The instrument is drafted on this basis.

9. Guidance

- 9.1 Local authorities will be notified when the instrument is in effect and will be provided with an example communication which they can use to write to parents.

10. Impact

- 10.1 The impact on business, charities or voluntary bodies is that parents and pupils will have a greater awareness of atypical schools, with such schools having a greater chance of recruiting a sustainable number of pupils each year. These schools are predominantly academies, run by academy trusts which are charitable bodies. Similarly, this could impact on other academies, run by charitable bodies, as they could see their pupils going to atypical schools
- 10.2 The impact on the public sector is that local authorities will be required to write to parents each year about atypical schools within a reasonable travelling distance of the border of the local authority which their child may apply to. Local authorities will be funded for this new requirement.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 The objectives of the instrument are to support the recruitment of atypical schools. There will be an internal review after 18 months to look at the impact the instrument has had on recruitment at such schools.

13. Contact

- 13.1 Orlando Soulsby at the Department for Education, telephone: 0207 340 8354 or email: orlando.soulsby@education.gsi.gov.uk can answer any queries regarding the instrument.