

**EXPLANATORY MEMORANDUM TO  
THE EDUCATION (INFORMATION AS TO PROVISION OF EDUCATION)  
(ENGLAND)(AMENDMENT) REGULATIONS 2006**

**2006 No. 1033**

**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 Local Authorities are required to forecast pupil numbers at primary and secondary levels as part of the Surplus Places Survey. This instrument amends the Education (Information as to Provision of Education)(England) Regulations 1999 (SI 1999/1066) to allow for LA forecasts to be collected at district level where applicable. The instrument also amends regulation 4 to substitute the word “four” for the word “five” which will require LAs to provide five years of primary level forecasts.

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

3.1 None

**4. Legislative Background**

4.1 Since 1994 the Department has collected information annually on surplus school places. The information is collected from each LA and shows the levels of surplus places throughout England. Returns are required under The Education (Information as to Provision of Education) (England) Revised Regulations 1999 in exercise of the powers conferred on the Secretary of State by sections 29(3) and 569(4) and (5) of the Education Act 1996.

4.2 Local Authorities are required to set out (at primary and secondary) the number of pupils on roll, the net and the surplus capacity. The returns also include forecasts of pupil numbers at primary and secondary levels.

**5. Extent**

5.1 This instrument applies to England

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy background**

7.1 Since 1994, LAs have been required to set out (at primary and secondary) the number of pupils on roll, the net and the surplus capacity. The annual returns also

include LA wide forecasts of pupil numbers over the next four years for primary and the next seven years for secondary schools. A commentary putting the surplus place return in the context of geographic and demographic circumstances is also required.

7.2 The results of the survey are used to assess whether there is a need for follow-up action, taking into account forecast demographic change and social/geographical circumstances of individual LAs. Surplus places information is also used for Basic Need allocation.

7.3 Capital allocations to support new pupil places have been derived by formula since 2004-05. Prior to this, LAs had to bid for new pupil places, proving a Basic Need case. The formula calculates allocations based on each LA's relative need, using LA pupil numbers and their own forecasts of pupil growth. The growth forecasts are taken from the surplus places exercise. A potential weakness in the current method is that we treat each LA as a whole growth area, so that growth in one part of the LA could be offset by a fall in numbers in another area. The formula is likely to target more accurately for larger LAs if the forecast data could be broken down using sub LA areas – ie by district where these exist.

7.4 We wish to continue with the current format for requesting forecast data but amending the primary projections to 5 years in advance as opposed to 4 years. Secondary forecasting for 7 years will remain unchanged. In addition we wish to request authorities to provide the following years' forecasts at both primary and secondary level broken down to LA district level, where relevant. We will also ask for this same forecast information for the 5th year of projections.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

Anne Giles at the Department for Education and Skills, Tel: 01325 391206 or e-mail: [anne.giles@dfes.gsi.gov.uk](mailto:anne.giles@dfes.gsi.gov.uk) can answer any queries regarding the instrument.