

**EXPLANATORY MEMORANDUM TO
THE EDUCATION (SCHOOL DAY AND SCHOOL YEAR) (ENGLAND)
(AMENDMENT) REGULATIONS 2011**

2011 No. 154

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 The purpose is to allow schools in England to take, lawfully, the extra public holiday on 29 April 2011, the day of the royal wedding – or an equivalent day off at another time.

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

3.1 None.

4. Legislative Context

4.1 The Education (School Day and School Year) (England) (Amendment) Regulations 2011 amend the Education (School Day and School Year) (England) Regulations 1999 (SI. 1999/3181) (“the 1999 Regulations”), which stipulate the minimum number of sessions which must be held in each school year for all maintained schools in England. These amendment Regulations reduce the minimum number of sessions for the school year 2010-2011 from 380 sessions to 378 sessions, i.e. from 190 days to 189 days. These amendment Regulations link to another Statutory Instrument (a pay order), which amends the School Teachers’ Pay and Conditions Document, and makes corollary changes to the number of days a teacher must be available for work and the number of hours a teacher must be available to perform their duties.

5. Territorial Extent and Application

5.1 This instrument applies to England.

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 Under the 1999 Regulations, schools must meet for a minimum of 380 sessions (190 days). The amendment relating to school year 2010-2011 reduces the number of required sessions for that year, and so allows maintained schools to take

the bank holiday for the royal wedding on 29 April 2011 and not be in breach of regulations, or have to meet for an additional 2 sessions at some other time to make up the sessions lost on 29 April 2011. A significant number of schools will have returned from their spring holiday by that date and can close lawfully as a result of the amendment. However, some schools taking an extended Easter break around Good Friday and Easter Monday would be closed on 29 April anyway. The amendment allows these schools to take an alternative day off. The dates of the school year for maintained schools are set either by local authorities or school governing bodies (depending on the type of school), under statutory duties.

7.2 Schools delivering the primary curriculum have already had the school year 2010-11 reduced for the purpose of taking an additional non-contact day as an in-service training day. This is not affected by the royal wedding arrangements.

7.3 A similar change has already been made for the 2011-12 school year to allow schools to take the additional public holiday that has been granted to mark the Queen's Diamond Jubilee in 2012, by the Education (School Day and School Year) (England) (Amendment) Regulations 2010 (S.I 2010 604) ("the 2010 Regulations"). These Regulations in fact provide for schools to take the 29 April 2011 as a bank holiday by applying the amendments made to the 1999 Regulations by the 2010 Regulations to school year 2010-11.

7.4 The collateral changes to the Teachers' Pay and Conditions Document are detailed in the separate Explanatory Memorandum.

- *Consolidation*

7.4 We do not intend to consolidate the amendment as it will apply for one school year only.

8. Consultation Outcome

8.1 The Department has had no time to consult formally on the royal wedding bank holiday and its effect on the school year. The Government had already announced the additional public holiday on 23 November 2010, and the Department is therefore expediting, as a matter of urgency, the legal measures that will enable schools to benefit, and to give schools and parents as much notice as possible. Nonetheless, despite the urgency of this amendment, a two week consultation has been undertaken with the statutory consultees of the School Teachers' Pay and Conditions Document and members of the Education Forum (a DfE stakeholder group made up of professional organisations who consider the implications of education policy on the school workforce). The consultation attracted a small number of responses about school inspections and parents' child care arrangements, but none of these expressed serious concerns.

9. Guidance

9.1 The Department does not propose to issue any detailed guidance on the amendment.

9.2 An announcement has been uploaded onto the website of the Department for Education telling schools of the Department's actions, and explaining the proposed legislative change, so that schools will be able to make the necessary arrangements in good time.

10. Impact

10.1 The Department foresees no impact on business, charities or voluntary bodies.

10.2 This Regulation should have no adverse impact on the public sector since it makes it lawful for schools to take the public holiday already announced. Where additional arrangements are needed, for example in relation to school inspections or childcare, any adverse impact should be minimised by schools and local authorities giving as much notice as possible about their local arrangements.

10.3 An Impact Assessment has not been prepared for this instrument. This is because no adverse impact upon the private or voluntary sectors is foreseen.

10.4 A possible impact upon parents might be that they would have to make childcare arrangements for this additional holiday. It is considered likely that many parents who are in employment will not be working on this additional bank holiday, therefore such arrangements will not be necessary. Early notice should obviate or reduce any problems around childcare where a school takes an alternative day.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Department does not gather data on the number of sessions for which schools are open in a year, but expects that all maintained schools will take advantage of the reduced school year 2010-11, which will enable them to benefit from the bank holiday arrangement.

13. Contact

13.1 Martin Elliott at the Department for Education Tel: 020 7340 7150 or email: martin.elliott@education.gsi.gov.uk can answer any queries regarding the instrument.