

EXPLANATORY MEMORANDUM TO
THE INFORMATION AS TO PROVISION OF EDUCATION (ENGLAND)
(AMENDMENT) REGULATIONS 2012

2012 No. 1554

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

These Regulations amend the Information as to Provision of Education (England) Regulations 2008 (S.I. 2008/4) (“the 2008 Regulations”) which prescribe the information that local authorities have each year to provide to the Secretary of State in relation to the provision of primary and secondary education in their area. They change the date by which information must be provided to the Secretary of State, extend the requirement for certain information about forecasts and capacity data to localised areas, and make other minor changes.

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

None.

4. Legislative Context

Section 29 of the Education Act 1996 requires local authorities to provide the Secretary of State with information for the purpose of the exercise of the Secretary of State’s functions under the Act.

5. Territorial Extent and Application

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, local authorities have been required to confirm annually the number of registered pupils at, and the capacity of, each community, foundation and voluntary school maintained by the local authority. These annual School Capacity Collection returns include local authority-wide forecasts of pupil numbers for the following five years for

primary aged pupils and the following seven years for secondary aged pupils. Local authorities also provide a commentary setting the return in the context of geographic and demographic circumstances.

7.2 Since 2011, local authorities have been required to provide forecasts by year group and by district, where applicable, and for these forecasts to include pupils at Academies (including free schools and UTCs). The School Capacity Collection was also amended to include information on individual Academies.

7.3 The information gathered from these returns is used to monitor the provision of places nationally and for the calculation of the capital allocations of Basic Need (BN) funding to support new pupil places.

7.4 Increases in birth rates and other demographic pressures are expected to continue for the foreseeable future, resulting in localised need for additional primary places. This pressure is expected to continue into the secondary sector. As pupil place pressures increase, it is important that the full extent of this is understood to enable the targeting of BN funding at areas of greatest need. The current data collected is at an aggregate level, such that localised pressures can be masked. It is therefore planned for 2012 to collect more detailed data that better reflects how local authorities plan place needs. Current and planned capacity data will be collected by local pupil planning areas (areas that local authorities use to determine the planning of places locally) as will pupil forecast data. Where a local authority plans places across the local authority or by district, they will continue to provide aggregate data only.

7.5 The School Capacity Collection includes a measure of capacity for all schools. In 2011 DfE included the capacity of Academies, as the total agreed number of places. Amendments to the 2008 Regulations made last year means that local authorities provide the measure of capacity for all schools, including academies, Free Schools, UTCs, CTCs and Studio Schools. It is expected that local authorities maintain up-to-date information on the number of places available in all schools within their area.

7.6 The School Capacity Collection currently verifies the net capacity of community schools and the total agreed number of places for Academies and CTCs, which as further schools convert will represent a significant portion of pupil capacity. It is important that the Secretary of State also has a common measure across all schools to assess the number of places available at a year group level, given that much of the pressure has been in Reception and will be felt in secondary schools at year 7. In 2011 the Published Admission Number (PAN), which is the number of school places that the admission authority must offer in the normal year(s) of entry, in a school for which it is the admission authority, was collected for all schools. To understand the total number of places actually available, as amended the 2008 Regulations will now require local authorities to provide the admission number for each year group in each maintained school, Academy, (including free schools) and CTCs. This data will also be collected at aggregate pupil planning areas level.

8. Consultation outcome

8.1 The changes made by these Regulations were all agreed by the Department for Education's Star Chamber on 5th April 2011. The Star Chamber assesses all Departmental proposals for new data and research collections relating to children and young people, aiming to reduce bureaucracy impacting on schools and local authority children's services. The Star Chamber is formed from local authority representatives involved in children's services data, including education, social care and early years, plus serving headteachers from primary and secondary education.

8.2 No formal consultation was undertaken.

9. Guidance

Guidance on the changes will be provided to local authorities as part of the annual survey.

10. Impact

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

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

The collection process, and data from the collection are monitored and reviewed each year, with emphasis on any changes to ensure that the collection is effective. The data is appraised and ensured as being accurate and robust before being used for allocation purposes. This includes review of how well the data supports departmental needs, including the allocation of basic need funding that reflects relative need.

13. Contact

Shirley Parks at Education Funding Agency Tel:07920725663 or email:
Shirley.Parks@education.gsi.gov.uk can answer any queries regarding the instrument.