

EXPLANATORY MEMORANDUM TO
THE EDUCATION (SCHOOL GOVERNMENT) (TERMS OF REFERENCE)
(ENGLAND) (AMENDMENT) REGULATIONS 2012

2012 No. 1845

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 removes the obligation on head teachers of maintained schools to produce a curriculum policy and review it yearly.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 This instrument omits regulation 8 of the Education (School Government) (Terms of Reference) (England) Regulations 2000 (S.I. 2000/2122), which imposes an obligation on head teachers to produce a curriculum policy.
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**
 - 7.1 The Government believes that parents should have access to good quality information so they can make informed choices and hold schools to account. In *The Importance of Teaching - The Schools White Paper*, published in November 2010 the Government announced its intention to require schools to put key information online, including curriculum provision and content. This policy was achieved by way of amendments to the School Information (England) Regulations 2008 (S.I. 2008/3093) made by the School Information (England) (Amendment) Regulations 2012 (S.I. 2012/1124) which come into force on 1 September 2012. These regulations impose an

obligation on governing bodies to publish on a website details of their curriculum provision, content and approach, by year and by subject.

7.2 The obligation in the Education (School Government) (Terms of Reference) (England) Regulations 2000 requires the head teacher to formulate a curriculum policy for adoption by the governing body and to review each year whether any changes need to be made. Governing bodies are required to consider a policy (or changes to a policy) put forward to them by the head teacher and consider whether to make any changes to it. They are also required to monitor, evaluate and review the implementation of the policy. Given that schools are now required to put information about their curriculum online and can be more easily held to account for their provision, the Government considers it is no longer necessary for them to comply with these additional obligations and so it is removing them.

7.3 As this Order has the effect of removing rather than imposing a duty on schools – the duty to produce a curriculum policy – the Department considers that it falls outside the spirit of the commitment to the Merits Committee, to give schools a full term’s notice of Statutory Instruments requiring implementation by schools, and that it is preferable that this duty is removed as soon as possible to increase school freedoms.

8. Consultation outcome

8.1 The Department considered that consultation was not necessary before removing this particular burden from schools; however we continue to engage with heads, teachers and other school practitioners to ensure our proposals have a meaningful impact on reducing burdens on schools. We have established a new practitioner reference group - the Bureaucracy Reference Group (BRG) - to advise the Department on how existing bureaucracy can be reduced and to ensure future bureaucracy is kept to a minimum.

9. Guidance

9.1 Schools have been informed of the changes through the Department’s ‘Need to Know’ email the latest of which were issued to all schools on 12 January 2012 and 26 April 2012¹, alerts on the Department’s social media² and publication of more detailed information on the Department’s website, including the reducing bureaucracy section³:

¹ Need to Know, summer term email issued 26 April, <http://www.education.gov.uk/schools/toolsandinitiatives/emailstoschools/a00208550/need-to-know12-13>; and associated Timeline referenced the September 2012 milestone confirmed: *Maintained schools are no longer required to produce an annual prospectus or curriculum policy, but must provide key information online instead* <http://www.education.gov.uk/schools/toolsandinitiatives/cuttingburdens/a00197719/timeline-2012>

² For example: DfE Twitter on 31 May 2012: From Sept 12, schools will not need to publish a prospectus/curriculum policy, but hold this info. online: for details: <http://bit.ly/J9YMBt>

³ Detailed information has also been placed on other relevant pages of the DfE Website, including: School Prospectus: <http://www.education.gov.uk/schools/pupilsupport/parents/a00208536/school-prospectus>; and Pupil Premium... What you need to know: <http://www.education.gov.uk/schools/pupilsupport/premium/b0076063/pp>.

<http://www.education.gov.uk/schools/toolsandinitiatives/cuttingburdens/b0075738/reducing-bureaucracy/requirements/changestoschoolinformationregulations>.

10. Impact

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

10.2 The impact on the public sector is minimal.

10.3 An Impact Assessment has not been prepared for this instrument because no impact is foreseen in the private or voluntary sector. Within the public sector the instrument removes a burden from schools.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This does not apply as there are no appropriate success criteria.

13. Contact

John Hopper at the Department for Education Tel: 020 7340 7176 or email:
John.Hopper@education.gsi.gov.uk can answer any queries regarding the instrument.
