

**EXPLANATORY MEMORANDUM TO**  
**THE INFORMATION AS TO PROVISION OF EDUCATION (ENGLAND)**  
**REGULATIONS 2016**

**2016 No. 555**

**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 These Regulations primarily consolidate the Information as to Provision of Education (England) Regulations 2008 (S.I. 2008/4) (“the 2008 Regulations”). They also amend some of the requirements in the 2008 Regulations so that each local authority in England must now provide the Secretary of State with additional information about certain capital expenditure and about capacity by year group rather than by published admission number.

**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 negative resolution 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 2008 Regulations require local authorities to provide the Secretary of State both with the information specified in Schedule 1 to those Regulations and reports containing the information in relation to pupil admissions specified in Schedule 2 to those Regulations. The information requirements include: the number of registered pupils in each community, foundation and voluntary school maintained by the local authority, and each Academy located in the area of the local authority; the capacity of each such school; the forecasted number of registered pupils for whom primary and secondary education will be provided; and the cost and type of accommodation used to provide new school places.

**5. Extent and Territorial Application**

- 5.1 The extent of this instrument is England and Wales.  
5.2 The territorial application of this instrument is 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 Existing capital spend data allows for some analysis of the way in which local authorities are spending funding to provide school places, but an increased level of detail is needed to allow for better comparisons to be drawn. For example, the new level of detail will show expenditure on site acquisition and specific elements of building cost. This information will inform understanding of what constitutes value for money in school place provision, and where best practice can be found. It is therefore planned that from May 2016, DfE will ask for more detailed data on type of accommodation and cost of places.
- 7.2 Local authorities will also be asked to provide information on capacity by year group, rather than published admission number (PAN). This is intended to address concerns raised by local authorities that the PAN that they hold and are required to publish locally is based on a different definition to the PAN in the SCAP survey. Renaming as capacity by year group removes that confusion.
- 7.3 The collection of capacity in use data, which was first collected in 2014, has become a permanent feature of the survey and will now be required on a statutory basis. These data help us understand the extent of whole school expansions across all local authorities, and the way in which local authorities approach these types of expansions.

## **8. Consultation outcome**

- 8.1 An online survey was carried out in October 2015, available to all 152 local authorities and resulting in 182 separate responses. It covered a range of issues relating to the SCAP survey including the data item coverage, the IT used and the timing of the survey. Copies of the results of the survey have been provided to local authorities on request. On the capital spend data, LAs reported that they had most difficulty with splitting project costs by place type (mainstream, special or re-provided) or by spend type (abnormals or maintenance and enhancement). It is these spend type categories that we are now expanding to align with categories used elsewhere in EFA, and that should be becoming more familiar to those involved in school building projects.
- 8.2 The online survey informed a business case which was discussed with and approved by the Star Chamber Scrutiny Board (SCSB) at its meeting on 3 December 2015, and in subsequent correspondence. The SCSB is made up of local authority, school and Ofsted representatives and must be consulted to provide approval for any proposals for new or amended DfE data collection activity. The SCSB welcomed the reductions in data burdens where that had been possible, and welcomed moves to align data definitions. The SCSB requested to be notified of final spend categories after the workshops had been held with LAs.
- 8.3 Workshops were carried out in December with a sample of local authorities in attendance, and they were invited to give their views on the proposed changes. The list of new data items on type of accommodation and cost of project presented at the workshops was viewed as very detailed and alternative options were discussed. Overall the consensus was that while some of the new data items may require estimation, it would still be possible to provide the data. The final data item list reflects those discussions. On other data fields, where there had been reductions in the data burden, the changes were viewed positively.

## **9. Guidance**

9.1 Detailed guidance will be issued to local authorities in May 2016, setting out in precise terms the data required and the timetable for returning this data to DfE.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is that local authorities will be required to provide additional data to DfE annually in relation to primary and secondary school provision in their area. The cost of providing the additional data will be in part offset by the streamlining of the SCAP collection to remove any unnecessary data items, and minimised through the acceptance of estimated data in the first year of collection where local authorities do not have access to the exact figures.

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 collection process, and data from the collection, are monitored and reviewed each year by the Department, with emphasis on any changes to ensure that the collection is effective.

## **13. Contact**

13.1 Victoria Bowes at the Department for Education, Telephone: 0207 783 8102 or email: [Victoria.Bowes@education.gsi.gov.uk](mailto:Victoria.Bowes@education.gsi.gov.uk) can answer any queries regarding the instrument.