



Department  
for Education

## Regulatory Triage Assessment

<b>Title of measure</b>	Revision of The Education (Independent Educational Provision in England) (Provision of Information) Regulations 2010 (SI 2010/2919)
<b>Lead Department/Agency</b>	DfE
<b>Expected date of implementation</b>	September 2018
<b>Origin</b>	Domestic
<b>Date</b>	December 2017
<b>Lead Departmental Contact</b>	Stephen Bishop
<b>Departmental Triage Assessment</b>	Low-cost regulation (fast track)

### Rationale for intervention and intended effects

In order to facilitate its functions, the Department needs independent schools to supply information at three crucial times. The Schedule to the 2010 Regulations (“the Schedule”), therefore, separates out the requirements for these schools to provide information as follows:

- Part 2, information required in an application to register an independent school;
- Part 3, information required in an initial return, (usually completed by a school within the first three months of operation); and
- Part 4, information required in an annual return (this is the School Level Annual Schools Census (SLASC), which is completed each January by independent schools).

We have scrutinised the information currently gathered by virtue of the existing regulations and have identified what data we need to continue to collect and what

data we can stop collecting. We have also considered new data needs, and inconsistencies between the regulations and actual practice. The revision of the regulations will be based on this review. There will be a short consultation with independent schools and relevant organisations.

The changes are summarised in the evidence section..

### **Viabale policy options (including alternatives to regulation)**

No other options were considered. Ministers agreed that the proposed changes to the regulations are necessary in order for the department to carry out its functions efficiently. There is no other option to a revision of the regulations, except to continue with the existing regulations. A voluntary alternative would not result in adequate data collection from schools. A statutory requirement is provided for in s.123 of the Education and Skills Act 2008.

### **Initial assessment of impact on business**

The proposed amendments will have financial implications in the gathering of additional information. Most significantly, the independent schools themselves will incur an additional cost in providing the added information these amendments will require, although in the context of the current requirements, the scale of the increase is not large. Changes to the annual returns will also result in a cost to the suppliers of computer software packages to independent schools in re-writing programmes to incorporate the proposed changes.

Some parts of the regulations relate also to academies but these have not been taken into account in this assessment as they are public sector bodies

### **BIT status/score**

In the central estimate the gross cost to business in the most expensive year is estimated at £25,000.

We estimate the Equivalent Annual Net Direct Cost to Business (EANDCB) for this measure to be around £19,000 in our central estimate. Even under more pessimistic assumptions on underlying cost rates, this number is expected to rise to just c. £24,000. For the purpose of rounding conventions, the EANDCB and BIT scores are both £0m.

The department has self-certified the measure as it is well below the +/- £5m EANDCB threshold (around £19,000 in our central estimate)

### **Rationale for Triage rating**

Although all independent schools will be affected, the scale of the changes we propose to make are relatively small and we believe the gross costs to independent schools in the most expensive year will be well below £1m pa.

**Departmental signoff (SCS): Peter Swift**

Date: 19 December 2017

**Economist signoff (*senior analyst*): Allan Little**

Date: 19 December 2017

**Better Regulation Unit signoff: Viv Clowes**

Date: 19 December 2017

# Supporting evidence

## 1. The policy issue and rationale for Government intervention

In order to facilitate its functions, the Department needs independent schools to supply information at three crucial times. The Schedule to the 2010 Regulations (“the Schedule”), therefore, separates out the requirements for these schools to provide information as follows:

- Part 2, information required in an application to register an independent school;
- Part 3, information required in an initial return, (usually completed by a school within the first three months of operation); and
- Part 4, information required in an annual return (this is the School Level Annual Schools Census (SLASC), which is completed each January by independent schools).

A review of the data currently gathered, the department’s needs, and the extent to which these match the current regulations have resulted in a set of proposed changes. Some of the changes will lead to modest additional requirements; there are also items which reduce data gathered or make no change to the quantity of data. The proposed amendments are set out in summary as follows::

- include a paragraph which clarifies that applications may be electronically submitted applications and not just “in writing”;
- add a requirement for proprietors of school to submit the school’s curriculum policy – as part of the registration process;
- add a requirement for proprietors provide proprietor’s date of birth and NI number, employment history and photograph in applications for registration;
- amend existing provisions about applications so that they more explicitly refer to policies on behaviour and sanctions, safeguarding, anti-bullying, health and safety and complaints rather than cross referring back to paragraphs in the 2010 Independent School Standards Regulations (the cross reference to the 2010 Regulations is out of date now anyway since these have been replaced);
- add provision requiring proprietors (in an application and their annual return)

to disclose whether the school is also registered with Ofsted as a Children's Home and if so provide the Ofsted reference. We have had difficulties in the past when it has not been clear that a children's home has been associated with a school, and this would help ensure there was no confusion;

- update existing provisions which refer to statements of special educational needs to also cover Education, Health and Care Plans (in line with recent legislation);
- add a requirement to provide the annual census information in electronic format;
- add a requirement for responses to the annual census to provide the name, address, date of birth, NI number and where applicable, email address of the chair of a proprietor body;
- add a requirement for an application and response to the annual census to provide the names, dates of birth and NI numbers of other members of the proprietorial body;
- add a requirement for an application and responses to the annual census to provide the name, direct line telephone number and email address of the primary contact for correspondence;
- add a requirement in relation to the annual census to provide the name of the head teacher;
- add a requirement to provide (in an application and for the annual census) the number of beds a school has, if any, for boarders;
- remove the requirement for schools to provide information about their board of governors.

## **2. Policy objectives and intended effects**

The proposed changes to the regulations will enable DfE to carry out its functions more efficiently and more cost effectively. Furthermore, it will be able to carry out due diligence checks on proprietors or proprietor body members for independent schools, and the chairs of academy trusts more effectively. The changes also ensure that certain items already collected are properly covered by the regulations.

### **3. Policy options considered, including alternatives to regulation**

No other options have been considered as no others are available except to continue with unrevised regulations. Ministers have considered our proposals and have agreed to them. A voluntary system would not result in efficient data collection as some schools would not comply with the data requirements, especially in the annual census. A statutory framework for gathering data is provided for in s.123 of the Education and Skills Act 2008.

### **4. Expected level of business impact**

The impact on software providers in modifying their MIS systems for independent schools in order to cater for the proposed changes will be additional one off costs in modifying specifications which allow for schools to make the 2018 census returns using the MIS system. The three suppliers involved already incur annual costs for change because there are also technical changes each year to the census which involve specification changes although the data gathered remains unchanged (for example, the order of questions may be revised, and validation checks amended). New data items do incur more work but the number of extra data items is small, so we estimate this to amount to no more than 3-5 business days of work for suppliers' IT personnel. Only around 70 independent schools use such software for the census, so this is a very marginal part of companies' activity. Based on market rates for IT contractors and the above assumptions (estimates at £450 per day<sup>1</sup>), we estimate the one-off transition cost to be at around £5,500. We believe that it is likely that in practice costs will be passed to customer schools and so should be counted as "direct" cost.

Although the changes to data requirements for Part 4 (annual census) will impact on all 2,300 independent schools that are currently registered, and requirements for Parts 2 (application) and Part 3 (three-month return) on all new schools applying to register (about 50 schools per annum), the costs involved in providing the additional information in terms of financial cost and staff time are, we believe, well below £1m per annum.

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<sup>1</sup> Source: <http://www.itjobswatch.co.uk/contracts/uk/consultant.do>;  
[http://www.contractoruk.com/market\\_rates/](http://www.contractoruk.com/market_rates/)

## **Schools applying for registration and newly registered schools**

The only new information to be supplied by schools applying for registration will be:

- a. Its curriculum policy. But it already has to have one, in order to meet the independent school standards, and this is checked during a pre-registration inspection. So the requirement to send it with the registration application will not add any new work;
- b. Say whether it is a registered Children's Home and supply details;
- c. Provide proprietor's date of birth and NI number, employment history and photograph;
- d. Provide proprietor body members' dates of birth and NI numbers;
- e. Provide proprietor's email address;
- f. Provide name and contact details for primary contact person (already sought but not covered by regulations);
- g. Provide details of numbers of boarding beds available, if applicable;

In our view the time taken in obtaining and supplying the additional information would not exceed 30 minutes, so the total burden on the sector would amount to 25 hours (ie for 50 schools) of senior management time. This would total around £1,300 per year. The cost rate for senior school leaders is assumed to be c. £53.1 per hour. This is based on the Leadership Group pay range from the 'School teachers' pay and conditions 2016' document, plus non-wage labour cost uplift of 22% and assuming 1,760 working hours in the year.

## **Schools newly registered**

No new information is required in the three-month return, the change is clarificatory.

## **Annual census**

The only new information to be supplied compared with the existing census collection is as follows, although a few other items in the census are not properly covered by the existing regulations and therefore require revision of the regulations:

### **New in census**

- a. Ofsted Social care registration number for children's homes;
- b. Proprietor and new proprietor body member NI numbers;
- c. Chair of proprietor body email address;
- d. Name of head teacher;

## Already in census but not covered by regulations

- a. Whether registered as a children's home;
- b. Name and address of chair of proprietor body
- c. Proprietor date of birth;
- d. Date of birth of new members of proprietor bodies
- e. Proprietor body email address;
- f. Name, email address and telephone number of school's primary contact for census return;
- g. Number of beds available for boarders.

There is also one data item being removed from this part of the regulations, which has already been taken out of the census - contact details of the governing body chairperson.

The census is normally completed by a member of the school's administrative staff. We estimate that the extra data information listed above, even including that already in the census but not covered by the regulations, would mean a maximum of 30 minutes extra work, ie for all 2,300 schools taken together there would be a total of 1,150 hours of work at that grade, costing circa £18,000 per year for the sector. We do not believe this would cause any additional senior staff oversight. We assumed a cost rate of £15.8 per hour for school admin staff. Unlike teachers of various levels, there is no national pay scale for school support staff. The cost rate used comes from pay scales and job offers published by a handful of LAs.<sup>2</sup> More research or consultation could give us a more precise figure, if we want to be more certain of this.

The total EANDCB of c. £19,000 is composed of £1,300 annual cost for the additional registration requirements of newly opening independent schools and of £18,000 annual cost for additional census reporting requirements for existing independent schools. In the first year we expect an additional £5,400 in IT changes, which will make the resulting £25,000 the gross cost to business in the most expensive year.

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<sup>2</sup> <http://www.milton-keynes.gov.uk/schools-and-lifelong-learning/jobs-in-schools/school-support-staff>  
[http://www.payscale.com/research/UK/Job=Office\\_Administrator/Salary](http://www.payscale.com/research/UK/Job=Office_Administrator/Salary)  
<http://www3.hants.gov.uk/education/educationjobshampshire/educationjobshome/education-eps-payscales.htm>  
[https://www.whatdotheyknow.com/request/salary\\_grades\\_for\\_school\\_support](https://www.whatdotheyknow.com/request/salary_grades_for_school_support)  
<https://www.egfl.org.uk/sites/default/files/Estimat%20guidance%20notes%202015-16.pdf>