



Department  
for Education

# **Star Chamber Scrutiny Board**

# **Department for Education**

**Activity Report: November 2021 –  
October 2022**

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# Star Chamber Scrutiny Board activity report

The following is a summary of the activity of the Star Chamber Scrutiny Board (SCSB) during its fourteenth year of operation, covering the period November 2021 to October 2022.

## Purpose

This report is written to provide an update on the work of the Star Chamber Scrutiny Board for a range of stakeholders both in the department and local authorities, and representative bodies across the education sector. It is also shared with the Ministry of Housing, Communities and Local Government (MHCLG), who manage the relationship between Central Government and local authorities, so they are informed how the department's data needs are changing and how this is being managed with the sector.

No specific actions are required of the recipients of this report, but comments on any area are welcome and should be sent to the secretariat via email:

[StarChamber.MAILBOX@education.gov.uk](mailto:StarChamber.MAILBOX@education.gov.uk)

## History

The Star Chamber was established in 1999 in the then DfES, to review and control data collection proposals emerging from the department. It was initially an internal body but was strengthened in 2006 by the addition of an external scrutiny group of local authority and school representatives. With the department publicly committing to reducing its data collections, the external scrutiny group was given the power to make decisions on collections. It was re-launched as the Star Chamber Scrutiny Board on 1 November 2008.

This report details activity from the November 2021 to October 2022 reporting period.

The Star Chamber Scrutiny Board usually meets monthly, primarily to consider data collection business cases put forward by policy areas across the department. The meetings also discuss relevant data developments and look at how new collections are progressing, acting as a consultation forum where required. The Board's operations are seen as an excellent example of joint working on the wider education and children's services agenda, something that is supported by HM Treasury. The Board's service has been recognised by other bodies including the National Audit Office who have previously consulted the Star Chamber Scrutiny Board for advice about their proposed collections.

As part of the overall drive to manage data burdens that Central Government place on local authorities, MHCLG operates a scrutiny process for mandatory data collection proposals impacting on local government. However, after reviewing the terms of

reference and operation of the Star Chamber Scrutiny Board, it was agreed by the two departments that the Department for Education would continue to lead on scrutiny of proposals around schools and children's services.

## Cases Scrutinised

In the 2021 to 2022 reporting period, 21 business cases were submitted to the Star Chamber Scrutiny Board regarding data collection from schools and local authorities.

This is on par with the number of business cases submitted across 2019 to 2020. In previous years there has been a trend of reducing numbers of business cases for consideration from a high of 77 in the first year of operation. This number is now likely to remain stable with only modest changes to existing collections due to (1) the maturity of the main DfE data collections; and (2) the limited numbers of single time surveys introduced, which is in an effort not to add unnecessary burden on schools and local authorities.

Of the business cases presented for consideration:

- 7 were fully approved
- 9 were approved with conditions
- 4 were rejected
- 1 was appealed

Further information on the cases considered can be found in Annex 2.

The Star Chamber Scrutiny Board has also considered nine of these proposals at an early stage of development and in a discussion format prior to a formal business case being developed. This enabled members to provide valuable and essential contributions to the development of proposals, consult with their colleagues to help feed in comprehensive thoughts, ensured that the burden and the practicalities of a collection were considered early and resulted in the approval of eight of the business cases.

As well as scrutinising changes to data collections, over the period the Star Chamber Scrutiny Board has also provided very useful advice about the proposed method for collecting the data, which has been most beneficial. This advice has led to data sponsors changing their data collection proposals, adjusting their timings or sampling methods, or re-designing their methodology, thereby ensuring better quality data was received from the front-line and with fewer burdens on supplying local authorities, schools and academies.

## Compliance Costs

Compliance costs allow us to express the burden imposed on the sector for making data returns to the department. A standardised method, originally developed by the Office for National Statistics (ONS), is used by DfE and across government to estimate the compliance cost of each data collection and is based on the time taken to complete, and the grade of staff making the return. As compliance costs are estimated, they should not be relied upon as a definitive figure and should be used in conjunction with other information available to understand the burden of data collection.

Of those business cases considered by Star Chamber in the 2021 to 2022 reporting year, the additional compliance costs and therefore the burden imposed totalled £1,252,161. As this burden is imposed across the entire school and local authority sector it is very low per respondent, although it is £41,401 more than the additional burden imposed in the previous year (2010 to 2021). One of the reasons for increase in additional burden is due to additional data being required for the National Tutoring Programme data collection, although this business case was rejected – this accounts for £197,303 which if divided by the number of schools in scope is equal to compliance costs of £8.96 per school.

## Appeals

An appeals process exists for policy teams who believe that they have strong grounds for exemption or a relaxation to Star Chamber guidance or have good reason to believe that the Star Chamber Scrutiny Board has not acted reasonably in carrying out its functions.

One appeal was heard during this reporting period. The board initially considered the National Tutoring Programme business case in April as an amendment to the School Census collection. The board rejected this business case based upon the burden of the collection compared to the usefulness to the sector. The board considered a further business case in June, as an independent data collection, but did not fully approve the business case. The case was taken through the appeal process in July resulting in the business case not being fully approved. Due to ministerial changes, it was decided to ascertain the new ministers collection requirements before taking the business case any further.

Where required, a further level of appeal exists to a designated Minister but this was not necessary during 2021 to 2022.

## Other work

The examination of business cases is the main area of the Board's work. Board members frequently take questions back to their home authorities to consult with local experts in

the particular areas under discussion, pooling the comments they have received on the morning of the regular meetings. Where discussions take place with a policy area prior to the submission of a business case, this can be very beneficial in reducing burdens.

Individual members have also volunteered to support and provide guidance to DfE policy colleagues who are considering new policy initiatives. This has been undertaken outside of the normal activity of the Board and continues to provide a valuable and essential resource of expertise and local knowledge to enable early and meaningful consultation.

The Board has a secondary role discussing and monitoring developments in education and children's services data including changes to the ways of collecting and presenting data. For instance, the Board have acted as stakeholders and have provided valuable feedback and support during the development of new digital services including the collection of pupil attendance data and school strike data.

In addition, as part of the Department for Education's ongoing work to help manage the burden on educational and care settings following the Covid-19 pandemic, all data collections continue to be reviewed to ensure that they remain both necessary and feasible at this time. The Star Chamber Scrutiny Board have played a substantial part in supporting this aim by providing ongoing sector feedback via the Data Collection Panel for data collections and services due to be undertaken by schools and local authorities in this reporting period.

Although the usual governance process and approval for the Educational Setting Status Form does not lie with the Star Chamber Scrutiny Board, following its inception, the Board has supported the department in reviewing proposed changes and question design throughout this reporting period. These ongoing reviews have added value and ensured understanding across the sector, ultimately improving the quality of the data set.

## **Membership and meetings**

The Board is chaired by Jamie James, Head of Data Operations Division which forms part of the Department for Education.

Paul Hirst, the senior leader responsible for sector data collections and burdens, is co-chair and has responsibility for the day-to-day operation of the board.

The Board operates with membership remaining open-ended and based on the ongoing commitment provided by members to attend meetings and to take an active role in its operation. Natural change in the group ensures that the turnover of membership happens seamlessly. Local authority representatives are nominated via the Association of Directors of Children's Services, and head teacher / school principal members via the National Association of Head Teachers and the Association of School and College Leaders.

The department recognises the need to ensure that the Board reflects the current educational landscape and that it has the necessary skills and expertise to consider the proposals put before it.

- There are normally eleven meetings each year, once each month, other than August. In the 2021 to 2022 reporting period, the Board met on eleven occasions.

## **Members would like to call attention to following points of note.**

*The following comments and opinions are provided by the external members of the Star Chamber and do not necessarily reflect the DfE position.*

The trend of policy colleagues attending Star Chamber to discuss their proposals before they submit their business cases has worked very well in 2022. We believe this has allowed a more thorough consideration of the merits of each proposal and provides DfE with the data & information needed for policy whilst minimising burdens and bringing some benefit to the sector. The proof of this can be seen in 8 of the 9 proposals that went down this route being approved.

Last year we set out some areas where we believed there was further potential for improvement and increasing the board's effectiveness:

### **Strengthening links with other stakeholders operating in this space**

Whilst the links with the Children's Services National Performance and Information Management Group (CS NPIMG) and the ADCS Standards, Performance and Inspection Policy Committee (ADCS SPI) strengthen, we have not so far developed similar links with other key stakeholders.

In 2023 we hope that it will be possible to develop some of these links and we intend to work with the department to do this.

### **Retaining Knowledge**

Last year we recommended that the department consider how policy area knowledge can be retained despite the inevitable turnover of staff due to the nature of the civil service. This year saw the return of some familiar colleagues to the Star Chamber and this facilitated frank and productive discussions on the topics under discussion.

However, we still feel, as we did last year, that there are still further levels of progress that could be achieved in this area. We believe that this would improve the efficiency of work in these areas and aid future policy development.

### **Recognition of continuing reduced resources in local authorities and schools**

The reduction of performance and data staff in local authorities and schools across the country shows no signs of abating. The emphasised need for better and more creative use of data to drive the improvement of services (visible in national publications such as The Independent Review of Children’s Social Care and in policy statements of local authorities), is combined with rising demands for data, but we are seeing too often the performance and data teams relating to Children’s Services in LAs and school data staff finding themselves involved in frequent organisational change, which can lead to impacts on progress of using data more effectively and efficiently. This has a detrimental impact on what data can be made available to DfE without a large burden on each LA or school and the quality and quantity of that data leading to decisions being made on less comprehensive and robust data with the inherent risk of making poor or worse, wrong, decisions.

LA and School IT departments already face many challenges in meeting day to day business reporting needs and the requirements of statutory returns. The SCSB plays an important role in managing DfE expectations in terms of reporting capacity although this is often relatively late in the development cycle of proposed business cases. We feel that the DfE could take a more active role in supporting LA’s and Schools by sharing more of their ongoing IT strategy especially in relation to using data science tools. This could include but not be limited to initiating discussions with LA’s and schools and in particular their relevant IT departments; via papers to the board, through other national channels of communications with the sector and in concert with other influencers within Government e.g. ONS, Department for Digital, Culture, Media & Sport etc.

### **Consideration of the resource requirements in monetary terms**

Last year we said the following:

We are still not satisfied that we are accurately measuring the burden of data collection. We had hoped to make progress in this area but unfortunately, this was not achieved. In particular the cumulative burden of the key data collections, which have seen continuing expansion, is something we for which would like to have a better understanding.

This still remains the case. The compliance costs quoted in this annual report are from the original and often underestimated costs that were included on the proposal template. This undervalues the financial cost of the burden being placed on LAs and schools through the data collections both mandatory and voluntary.

In 2023 we intend to collect the SCSB estimates of the compliance cost for each collection in order to give a sector perspective on the burden. Sadly, despite us endeavouring to collect this information, there seems little opportunity to have any meaningful discussion about what can be done to address this issue. An additional burden of £1.2 million (an underestimation in our opinion) for the sector, is an



additional £1.2 million taken out of money that could otherwise be spent on improving outcomes for children; in addition to the existing considerable burden of multi-million £'s. We would welcome the opportunity for further dialogue on this issue to be opened between the DfE and the sector.

### **Future data collection methods, future-proofing scrutiny**

The world of data collection is constantly evolving and it is important for the StarChamber to do the same. With the potential to move to direct data transfer between LAs, schools and the DfE, it's important that the scrutiny about what data is collected, when and for what purpose remains. To that end we see the role of the Star Chamber in scrutinising these types of data collection as well as those through more traditional routes as vital to ensure the proper and appropriate levels of challenge and rigour are maintained.

We also note that there has been a shift to projects to develop data metrics particularly in areas that cross governmental department boundaries whilst still being in relation to children, young people and their families. There is a need for clarity on who should be scrutinising these data collections and at what point they move from being a 'project' exploring feasibility or defining an area to being a de facto data collection from the sector.

It will be important to clarify these areas in 2023 to ensure that the DfE and more widely the government, is suitably equipped with 'gatekeepers' with the appropriate expertise and experience to provide the necessary test on the appropriateness, value and burden all data collections, whatever the method and in spite of any departmental boundaries that may be crossed.

### **Footnote**

The board wish to express their profound gratitude to the secretariat, for the continued exceptional support of its work. The management of the facilities, coordination of policy colleagues virtually attending Star Chamber and tenacious pursuit of additional or supplementary information requested by the board has been excellent and enabled us to put our focus on the cases presented in ideal conditions.

We would like to thank Kirsty Knox, who was deservedly promoted to another role within the DfE, for her unflagging and excellent support over the last four years and wish her well in her new position.

We would also like to thank longstanding Star Chamber members who left this year; Philip Brocklehurst and Adam King who between them contributed for over thirty years to improving the quality of data collections for the DfE whilst minimising the burdens to the sector. We wish them good luck in their next endeavours.

## Annex 1

List of Star Chamber Scrutiny Board members for the reporting year.

### Chair:

Jamie James as the DfE Head of Data Operations Division

Paul Hirst, Data Operations Division, DfE

### Secretariat:

Kirsty Knox, Data Operations Division, DfE - until June 2022

Nicola Berryman, Data Operations Division, DfE

### Members:

One member takes a lead each month in feeding back the comments of the Board to attending policy representatives.

Stuart Beck	National Association of Head Teachers
Viktorija Birmingham	Enfield LA – until August 22 Ealing LA
Philip Brocklehurst	Associate LA member
Angela Browne	Windsor learning partnership, Windsor
Stephen Clark	Associate LA member
Mathew Downs	Highcliffe School, Dorset
Chris Hill	Associate school member
Rashid Jussa	London Innovation & Improvement Alliance (LIIA), London Councils
Damien Kearns	Nishkam High School, Birmingham
Adam King	Ofsted

Sharon McBriarty	Kirklees LA
Jeanette Miller	Thornhill Primary School – until August 22 St Marks C of E School, Southampton
Mike Parkin	Worcestershire LA
Daryl Perilli	Brighton and Hove LA
Cathy Piotrowski	Associate LA member
Simon Utting	Hackney Learning Trust
Max Winters	Associate LA member
Christopher Woolf	Pinner High School, Harrow -until August 22 Wellington College International
Nigel Wright	Bohunt Education Trust

Ofsted continued to work closely with the SCSB and they maintain a permanent seat.

The department and the sector are grateful for the work of these individuals.

## Annex 2

### Cases fully approved.

Business case number	Consideration date	Business case name	SCSB comments	Voluntary (V) or Mandatory (M)
904	Feb-22	2-year-old headcount survey	The board approved this business case.	V
906	Feb-22	Gender Identity and Sex	The board approved this business case.	M
907	Mar-22	Air cleaning unit evaluation survey	The board approved this business case.	V
909	Mar-22	School census: unregistered placements	The board approved this business case.	M
915	Jun-22	Elective Home Education	The board approved this business case.	V
918	Jul-22	Automated External	The board approved this business case.	V

		Defibrillators for schools		
918a	Sep-22	National Tutoring Programme Intensions Survey Sep 23	The board approved this business case.	V

### Cases approved following amendments.

In the 2021 to 2022 reporting period no business were approved following amendments.

### Cases conditionally approved.

Business case number	Consideration date	Business case name	SCSB comments	Voluntary (V) or Mandatory (M)
901	Nov-21	School census: PLAA & Young Carer	The business case was approved subject to being able to see guidance and collecting whether identified as a carer by parent or school.	M
902	Dec-21	Ventilation survey	The business case was approved subject to the board working with the department on refining questions to ensure clarity and burden is not increased.	V
903	Jan-22	Early years providers: covid pulse survey	The business case was approved until February half term, at which point further discussion is required.	V
905	Feb-22	SEND quarterly collection	This business case was approved for one year, at which point it will be reviewed and considered under a new business case.	V
908	Mar-22	School Census - Time in School	This business case was approved subject to seeing guidance.	M
919	Oct-22	School Strike Data Collection	This business case was approved subject to amending the intention element of the collection.	M

## Cases rejected.

Business case number	Consideration date	Business case name	SCSB comments	Voluntary (V) or Mandatory (M)
900	Nov-22	School census: usual mode of travel to school	SCSB following discussion declined the business case as they felt that although information is in a lot of school systems, it could be years out of date (collected on entry) and in a majority number of cases would need re-collecting. The benefit for schools or the wider sector in doing this exercise did not outweigh the substantial burden placed.	M
910	Mar-22	AP: unregistered placements	SCSB following discussion declined the business case as they felt there was an overlap between the AP census and SEN2 individual level return. There is a need to compare the two collections and identify any gaps or duplication before any new data items or changes to AP census are presented.	M
911	Apr-22	School census: NTP items	SCSB following discussion declined the business case as it stands as they felt that the burden outweighs the benefits for the sector.	M
918	Sep-22	National Tutoring Programme Intensions Survey Sep 22	SCSB following discussion declined the business case as they felt there was some work to go. SCSB may support a revised business case.	V

## Cases referred to appeal.

Business case number	Consideration date	Business case name	SCSB comments	Voluntary (V) or Mandatory (M)
914	Jul-22	Appeal : National	Both sides provided a good argument, however there is	M

<b>Business case number</b>	<b>Consideration date</b>	<b>Business case name</b>	<b>SCSB comments</b>	<b>Voluntary (V) or Mandatory (M)</b>
		Tutoring Programme (NTP) data collection	only a marginal benefit from moving to a termly to monthly collection which is where the appeal fell. The decision was unanimous. The next steps are to ascertain what the new minister wants to do.	



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