



Department  
for Education

# **The DfE's Star Chamber Scrutiny Board**

**Report of Fourth Year's Work, November  
2011 to October 2012**

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# Star Chamber Scrutiny Board 4<sup>th</sup> Annual Report

The following is a summary of the activity of the Star Chamber Scrutiny Board during its fourth year of operation covering the period November 2011 to October 2012.

## Purpose

This report provides the usual annual update on the work of the Star Chamber Scrutiny Board, but also now aims to give reassurance to colleagues in the Department for Communities and Local Government (DCLG), who are overseeing the scrutiny of mandatory collections of information from local authorities, that a robust means of scrutinising data collection proposals continues to be in operation within DfE.

## 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 ESG was given the power to make decisions on collections. It was relaunched as the Star Chamber Scrutiny Board (SCSB) on 1 November 2008. Annual reports have been published on the first three years of its operation: this is the fourth.

SCSB meets monthly, primarily to consider data collection business cases put forward by policy areas around DfE. 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 ongoing operation is seen as an excellent example of joint working on the wider education and children's services agenda, something that was highlighted by HM Treasury in their 2011 report.

As part of the overall drive to reduce data burdens on local authorities, the last year has seen the DCLG establishing scrutiny processes for mandatory data collection proposals impacting on local government. DCLG have examined the role of the SCSB, and observed meetings, and agreed that SCSB should continue to play the scrutinising role for such proposals around schools and children's services.

## Cases Scrutinised

The fourth year saw 56 business cases submitted to the SCSB. The majority of these were for adjustments to existing collections, most of them modest. Of these:

- 35 were approved fully
- 8 were approved with conditions
- 4 were rejected
- 1 was withdrawn after discussion

- 7 were referred for further discussion at a later meeting
- 1 was rejected but went ahead after being identified as supporting a Ministerial priority.

This was a rise of 15 cases on 2010-11, though still below the 77 of the previous year. The Coalition government's commitment to reduce burdens and to impose fewer demands for data on the frontline is still felt to be influencing behaviour positively, though this topic is also mentioned elsewhere in this report.

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

Four new Executive Agencies were absorbed into the Department during the year, meaning that their data collection proposals are being scrutinised by SCSB. The Secretariat gave a presentation about the SCSB to colleagues from the Agencies prior to the move, and from the aspect of scrutinising data collection proposals this transition appears to have happened smoothly.

In addition, the Secretariat (i.e. not the Board) scrutinised 25 research cases. Research cases are not put to the SCSB, because external input to research scrutiny is provided via ADCS comments feeding into the Department's Research Strategy Group (RSG, formerly the Research Approvals Committee). However, survey instruments such as questionnaires, or sample sizes for research projects, are put to an internal scrutiny panel, as they will not usually have been formulated when a bid is made to the RAC. There was a small drop in these cases, from 29 in 2010-11.

## Appeals

An appeal process exists whereby 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. There were no such appeals in 2011-12: although this partly indicates the rigor by which the Board carries out its scrutinising role, the collection proposal that was rejected but went ahead as a Ministerial priority is the subject of further comment in the 'Issues' section below.

A further level of appeal exists, to a designated Minister. This Minister was Nick Gibb since the formation of the Coalition government. However, the September 2012 reshuffle resulted in changes to the Ministerial team. Elizabeth Truss now leads on burdens issues and would have this role if needed.

## 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 there in the particular areas under discussion, pooling the comments they have received

on the morning of the monthly 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: a subgroup of Board members worked with Ofsted to reduce the content of a return on adoptions by 75% before its submission and approval by the Board.

The Board also has a secondary role discussing and monitoring developments in education and children's services data. Particular areas discussed this year included:

- Ongoing work arising from the 'Root and Branch Review' of the Department's data collections; and latterly, discussions linked to the Departmental Analytical Review carried out in summer 2012;
- Inputting views at the early stages of planning for the collection of data from Children's Centres;
- Discussing data collection proposals of the National Audit Office. The NAO are not required to consult the SCSB, but nonetheless have taken the opportunity to do so twice during the year about planned collections in the education and children's services area, saying afterwards that they have found it very beneficial;
- Developments with the Information Standards Board, which is devising standards for data definitions and data exchange to be used across the Education, Skills and Children's Services sector;
- Linking with the Bureaucracy Reference Group, the panel of head teachers, teachers and school business managers set up to advise the DfE on reducing unnecessary bureaucracy in schools. They alert us about policy discussions with data implications, while we alert them about data collections that might have wider policy concerns that they might not know of.

## Membership

The Board's agreed terms of reference are that a member's appointment should be for four years. LA representatives are nominated via the Association of Directors of Children's Services, and head teacher/ principal members via the National Association of Head Teachers and the Association of School and College Leaders. However, it was agreed that to avoid a sudden loss of expertise after the first four year cycle, there should be a gradual change, with a quarter of the membership being replaced after years four, five, six and seven. We have now reached the end of year four, but natural wastage has ensured that the first quarter turnover of membership has happened seamlessly.

## Issues

The Board continue to be pleased by the positive attitude taken by policy areas whose business cases come to them for scrutiny. Discussions have invariably been productive and beneficial to both DfE representatives, SCSB members and, consequently, to those working on data in schools and authorities.

Nonetheless, a number of issues exist that the SCSB think might, if they could be resolved, enhance the Board's work further. These include the following:

### **Failure to adhere to Board decisions**

There have been a couple of occasions during the year where this has happened, and collection activity has gone ahead in a different manner to that approved by the SCSB. On one, a collection was approved but with a condition that it did not ask questions on a particular topic. When it went out, that topic was included, and remedial action had to take place to get this reversed to reflect the SCSB's decision. Another collection took place without taking on board constructive comments made by the Board, resulting in extra burdens for front-line staff (and indeed for the Department in processing the data), that the Board had predicted would happen if their suggestions were ignored. In neither case was the action likely to have been taken deliberately, but the Board wonder if the sanctions against policy areas failing to adhere to the conditions of approval are implemented sufficiently.

### **Collections to support Ministerial priorities**

The last year appears to have seen a growth in the number of collections directly driven by Ministers' specific wishes. In nearly all such cases the value of the collection has been clear and they have been approved by the SCSB, but there were two occasions (to collect information on the absences of four year-old children; and continuing the collection of two questions on 'Strengths and Difficulties' within the Children Looked After collection) where they questioned the need for the collection.

The Board were concerned at a possible lack of transparency around the way that data collection implications of policy developments are presented to Ministers, and thought there was scope for governance arrangements to be strengthened. The Board asked that a recommendation go to those driving forward the Analytical Review, and looking at governance arrangements within DfE, that this should be addressed.

### **Compliance costs**

Compliance costs have been an ongoing issue throughout the life of the Star Chamber and have been discussed again by the Board this year. Underestimating by policy areas is one issue, but to properly assess the costs of any collection would require more burdens on front line staff, indeed it could only be done properly by closely observing every person in a school or LA who was involved in a collection, to ensure that the only costs that were recorded were those specifically to do with the collection.

During the year a handful of Board members collected some local information about compliance costs of the School Census. As with previous work on the subject, it was difficult to come to any firm conclusions given variations in what was recorded. A further issue has been how well (if at all) potential software supplier costs and their consequent

impact on costs to customer schools and LAs are recorded. The Board decided during the year that they would take a more active line in looking at compliance costs when considering business cases: instead of saying that a policy area's estimates were too low or too high, they would indicate, in feeding back comments on a business case, where that estimate was wrong, e.g. saying that it would be a LA senior manager, not a junior manager; or that it would take three hours, not one; or that there would be a range of costs, depending on the size of school or LA.

## **Commitments to reduce burdens**

The Board fully endorse the commitment made by the Coalition government to reduce local burdens caused by data collections. In doing so, however, they do not want the Department to cut collections which are of importance at a local level: this wish was behind the Board rejecting at least one request to cut a collection during the year.

Nonetheless, the Board are concerned that, with Coalition government policies now developed, and with data wanted in order to properly evaluate them, the totality of collections has in fact been increasing. While acknowledging that it is not a matter that can be resolved centrally, the LA Board members would like it noted that where centrally-provided funding to authorities (for example around a new policy) includes an element for evaluation, it is very unlikely that the evaluation element will make its way to LA data teams in the form of additional resource to support collection activity. In many LAs, the need for efficiency savings has caused a centralising or decrease in the capacity for data collection, processing and analysis.

## **Data issues around Academies**

The growth of academies has presented local authorities with some difficulties regarding data, especially that which is required to carry out statutory functions, such as those around safeguarding of their local child population, or around the planning of future local school provision. Most academies have been happy to share the necessary data with their LAs, but some less so. This is not an issue confined to the authorities of SCSB members but given their representational role they have raised it. A meeting has since taken place, in early November 2012, for representative Board members to raise their concerns with DfE academy policy colleagues.

## **Footnote**

The Board wish to record thanks to the Secretariat for the smooth support of its work during the year.

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for Education

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