



Department
for Education

The Department for Education's Star Chamber Scrutiny Board

**Report of fifth year's work, November
2012 to October 2013**

Contents

Star Chamber scrutiny board fifth annual report	3
Purpose	3
History	3
Cases Scrutinised	3
Appeals	4
Other work	5
Membership	5
Issues	6
Increased number of cases for voluntary collections	6
Compliance costs	6
Increased burden on local authorities	6
Issues around the process for submitting requests	6
Footnote	7

Star Chamber scrutiny board fifth annual report

The following is a summary of the activity of the Star Chamber scrutiny board (SCSB) during its fifth year of operation covering the period November 2012 to October 2013.

Purpose

This report provides the usual annual update on the work of the SCSB, 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 (ESG) 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 re-launched as the Star Chamber scrutiny board (SCSB) on 1 November 2008. Annual reports have been published on the first four years of its operation: this is the fifth.

The SCSB meets monthly, primarily to consider data collection business cases put forward by policy areas across DfE and its Executive Agencies. 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 on-going 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, we have previously seen the DCLG establishing scrutiny processes for mandatory data collection proposals impacting on local government. DCLG have examined the role of the SCSB in the past, and observed meetings, and we have agreed with their representatives that SCSB should continue to play the scrutinising role for such proposals around schools and children's services.

Cases Scrutinised

The fifth year saw 29 business cases submitted to the SCSB regarding data collections from schools and local authorities. The majority of these were for adjustments to existing collections, most of them modest. Of these:

- 14 were approved fully

- 4 were approved with conditions
- 3 were rejected
- 7 were referred for further discussion at a later meeting
- 1 was rejected but decision overturned on appeal

This was a reduction of 27 cases on the number submitted in 2011-12, which continued the downward trend seen over the last two years. 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.

In addition, the secretariat (ie not the board) scrutinised 16 research cases. Research cases are not put to the SCSB, because external input to research scrutiny is provided via Association of Directors of Children's Services' (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 drop in these cases, from 25 in 2011-12.

As well as scrutinising changes to data collections, the board also provide very useful advice about on the proposed method for collecting the data, which is 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 LAs, schools and academies. This feature of the board's service has been recognised by other bodies like the National Audit Office who regularly consult the SCSB for advice about their proposed collections.

The board continued to work closely with Ofsted on their collections for adoption, fostering, and community services and looked after children, where there were problems with the data being put on-line, for financial and logistical reasons. It was acknowledged that progress was being made on long-standing issues of data sharing between Ofsted and DfE that, if successful, could mean a reduction in duplication in what was required from LAs.

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. There was one appeal in 2012-13 where the SCSB's decision to reject the collection was overturned.

A further level of appeal exists, to a designated minister. This minister is Elizabeth Truss who leads on burdens issues. The appeal process has not reached this level in 2012-13.

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 presentation was delivered to the SCSB on the School Performance Data Programme which is designed to modernise data management arrangements and improve the enquiry and publication services. The SCSB are playing a vital role in supporting this significant change in how data will be collected and published. Members are leading on workshops and are taking an active part in delivery events aimed at working collaboratively with schools and LAs in this process.

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

- inputting views in how the take-up of summer schools could be improved if all schools had information about likely attendance by free school meal (FSM) eligible pupils;
- on-going work arising from the Departmental Analytical Review carried out in early 2013;
- 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, which is a 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 about.

Membership

The board recently reviewed the length of appointment for its members and agreed that the current diverse level of expertise is successful therefore a member's commitment to attend meetings and take an active role was a better indication of how long their appointment should be. There has however been some natural wastage that ensured that the turnover of membership has happened seamlessly. LA representatives are nominated via the ADCS, and head teacher/ principal members via the National Association of Head Teachers and the Association of School and College Lecturers.

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

Increased number of cases for voluntary collections

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.

Compliance costs

Compliance costs have been an on-going issue throughout the life of the Star Chamber. Underestimating by policy areas is one issue, but to properly assess the costs of any collection would require more burdens on front line staff. Members are concerned that although new legislation has an impact upon school and/or LA staff, this is not taken into account when compliance costs are calculated on data collections.

Increased burden on local authorities

The number of changes to the SSDA903 collection and the increasing information sought by the Education Funding Agency over the year has increased the burden on LAs.

Issues around the process for submitting requests

There have been some occasions where the request for a SCSB decision has not followed the process, either by not allowing enough time for the SCSB to make a robust decision, or not being fully prepared in their request. Members would like to see improvements in this area as there is concern that failure to engage in the process will prove ineffective.

Footnote

The board wish to record thanks to the secretariat for the smooth support of its work during the year.

Debbie Barrigan
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December 2013



Department
for Education

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Reference: DFE-00026-2014